

Digitized by the Internet Archive
in 2022 with funding from
University of Toronto

<https://archive.org/details/31761115501785>

Gov. Doc.
Can
P



CANADA

STATUTORY ORDERS AND REGULATIONS

CONSOLIDATION, 1955

VOLUME III

L to Y

Published under authority of the Regulations Act

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1955.

Can
9



STATUTORY ORDERS AND REGULATIONS

STATUTES
CAN

CONSOLIDATION 1952
V. 3

811118

16.3.56

VOLUME III

I to Y

Published under authority of the Regulations Act

EDMOND CLOUTIER, C.M.G., O.A., D.B.E.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1956

TABLE OF CONTENTS

VOLUME III

	PAGE
LAND TITLES ACT	1993
LEPROSY ACT	1997
LIVE STOCK AND LIVE STOCK PRODUCTS ACT	1997
LIVE STOCK SHIPPING ACT	2097
MAPLE PRODUCTS INDUSTRY ACT	2098
MARINE AND AVIATION WAR RISKS ACT	2102
MARITIME COAL PRODUCTION ASSISTANCE ACT	2102
MEAT AND CANNED FOODS ACT	2102
MEMBERS OF PARLIAMENT RETIRING ALLOWANCES ACT	2219
MIGRATORY BIRDS CONVENTION ACT	2220
MILK TEST ACT	2227
MUNICIPAL IMPROVEMENTS ASSISTANCE ACT	2228
NATIONAL BATTLEFIELDS AT QUEBEC ACT	2231
NATIONAL DEFENCE ACT	2234
NATIONAL HARBOURS BOARD ACT	2252
NATIONAL HOUSING ACT	2277
NATIONAL HOUSING ACT, 1954	2303
NATIONAL LIBRARY ACT	2328
NATIONAL PARKS ACT	2330
NATIONAL TRADE MARK AND TRUE LABELLING ACT	2452
NAVIGABLE WATERS PROTECTION ACT	2464
NORTHERN PACIFIC HALIBUT FISHERIES CONVENTION ACT	2474
NORTH PACIFIC FISHERIES CONVENTION ACT	2474
NORTHWEST ATLANTIC FISHERIES CONVENTION ACT	2476
NORTHWEST TERRITORIES ACT	2479
OATHS OF ALLEGIANCE ACT	2485
OFFICIAL SECRETS ACT	2485
OLD AGE ASSISTANCE ACT	2485
OLD AGE SECURITY ACT	2497
OPIUM AND NARCOTIC DRUG ACT	2502
PATENT ACT	2510
PENSION ACT	2536
PEST CONTROL PRODUCTS ACT	2536
POST OFFICE ACT	2557
PRAIRIE FARM ASSISTANCE ACT	2576
PRAIRIE FARM REHABILITATION ACT	2579
PRAIRIE GRAIN PRODUCERS' INTERIM FINANCING ACT	2579
PRECIOUS METALS MARKETING ACT	2583
PRIVILEGES AND IMMUNITIES (UNITED NATIONS) ACT	2584
PROPRIETARY OR PATENT MEDICINE ACT	2591
PUBLIC LANDS GRANTS ACT	2593
PUBLIC OFFICERS ACT	2596
PUBLIC PRINTING AND STATIONERY ACT	2596
PUBLIC SERVICE SUPERANNUATION ACT	2597
PUBLIC WORKS ACT	2630
PUBLIC WORKS HEALTH ACT	2630
QUARANTINE ACT	2635
RADIO ACT	2653

	PAGE
RAILWAY ACT	2676
REGULATIONS ACT	2676
REINSTATEMENT IN CIVILIAN EMPLOYMENT ACT	2678
RETURNED SOLDIERS' INSURANCE ACT	2678
ROYAL CANADIAN MOUNTED POLICE ACT	2680
ST. LAWRENCE SEAWAY AUTHORITY ACT	2680
SALT FISH BOARD ACT	2680
SEALS ACT	2680
SEEDS ACT	2681
SMALL LOANS ACT	2717
SOLDIER SETTLEMENT ACT	2717
SPECIAL OPERATORS WAR SERVICE BENEFITS ACT	2724
STATISTICS ACT	2724
SUPERVISORS WAR SERVICE BENEFITS ACT	2725
SUPREME COURT ACT	2725
TARIFF BOARD ACT	2725
TERMS OF UNION OF NEWFOUNDLAND WITH CANADA	2725
TERRITORIAL LANDS ACT	2728
TIMBER MARKING ACT	2837
TRADE MARKS ACT	2838
TRADE UNIONS ACT	2853
TRANSPORT ACT	2855
TREATIES OF PEACE (ITALY, ROUMANIA, HUNGARY AND FINLAND) ACT, 1948	2855
UNEMPLOYMENT INSURANCE ACT	2858
UNITED NATIONS ACT	2909
VETERANS ASSISTANCE COMMISSION ACT	2909
VETERANS' BUSINESS AND PROFESSIONAL LOANS ACT	2910
VETERANS INSURANCE ACT	2919
VETERANS' LAND ACT	2931
VETERANS REHABILITATION ACT	2943
VISITING FORCES (NORTH ATLANTIC TREATY) ACT	2952
VISITING FORCES (UNITED STATES OF AMERICA) ACT	2952
VOCATIONAL TRAINING CO-ORDINATION ACT	2953
WAR SERVICES GRANTS ACT	2953
WAR VETERANS ALLOWANCE ACT	2959
WEIGHTS AND MEASURES ACT	2966
WHALING CONVENTION ACT	3005
WHEAT CO-OPERATIVE MARKETING ACT	3009
WHITE PHOSPHOROUS MATCHES ACT	3009
WOMEN'S ROYAL NAVAL SERVICES AND SOUTH AFRICAN MILITARY NURSING SERVICE (BENEFITS) ACT	3009
YUKON ACT	3009
YUKON PLACER MINING ACT	3011
YUKON QUARTZ MINING ACT	3011

LAND TITLES ACT. (R.S.C., 1952, c. 162)

	Page
1. <i>Land Titles Offices, Yukon Land Registration and Northwest Territories Land Registration Districts</i>	1993
2. <i>Tariff of fees payable to Registrar, Lands Titles Offices</i>	1994

1. Land Titles Offices, Yukon Land Registration and Northwest Territories Land Registration Districts

P.C. 1954-279

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 25th of February, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the Land Titles Act, is pleased, hereby to revoke Orders in Council P.C. 2464 of 17th August, 1897, P.C. 2492 of 12th December, 1910, P.C. 1527 of 13th April, 1948, and P.C. 1953-450 of 26th March, 1953, and, in substitution for the Orders in Council hereby revoked, is pleased to order and doth hereby order as follows:

1. The Land Titles Office for the Yukon Land Registration District shall continue to be located at the City of Whitehorse in Yukon Territory.

2. The seal, of which a description is set out below, is approved as the Seal of Office of the Registrar of the Yukon Land Registration District:

Description

In the centre appears the figure of a miner washing gold, at his head the words "Land Titles", at his feet the word "Office" and in a circle about such figure and words, the words "Yukon Land Registration District".

3. The Land Titles Office for the Northwest Territories Land Registration District shall continue to be located in the City of Ottawa, in the Province of Ontario.

4. The seal, of which a description is set out below, is approved as the Seal of Office of the Registrar of the Northwest Territories Land Registration District:

Description

In the centre appears the figure of the head of a moose, at the top of which are the words "Land Titles", at the bottom the word "Office" and in a circle about such figure and words, the words, "Northwest Territories Land Registration District".

Land Titles Act—continued**2. Tariff of fees for Registrar, Lands Titles Offices**

P.C. 1954-1735

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the Land Titles Act, is pleased to order as follows:

1. Order in Council P.C. 4774 of 20th September, 1949, which established a tariff of fees payable to the Registrar of the Yukon Land Registration District, and Order in Council P.C. 5325 of 20th October, 1949, which established a tariff of fees payable to the Registrar of the Northwest Territories Land Registration District, are hereby revoked; and

2. The annexed "Tariff of Fees payable to a Registrar of a Land Titles Office for a Land Registration District established under the Land Titles Act" is hereby made and established in substitution for the Orders in Council hereby revoked.

TARIFF OF FEES PAYABLE TO A REGISTRAR OF A LAND TITLES
OFFICE FOR A LAND REGISTRATION DISTRICT ESTABLISHED
UNDER THE LAND TITLES ACT

- | | |
|--|---------|
| 1. A Certificate of Title shall be issued and a duplicate thereof shall be delivered or mailed free of charge to the person entitled thereto if at the time of the issue of such Certificate the Crown grant is the only instrument affecting the land in the hands of the Registrar | nil |
| 2. For each application for a Certificate of Title for an estate for life or term of more than three years under section 53 | \$5.00 |
| 3. For each application for a Certificate of Title under section 54 | \$10.00 |
| 4. If at the time of the delivery of the Patent to the Registrar there are instruments in the Registrar's hands which encumber or affect the land, for each Certificate of Title and duplicate thereof | \$5.00 |
| Plus fees payable to the assurance fund. | |
| 5. For registering a transfer and issuing a Certificate of Title and duplicate thereof, and including fees for memoranda, searches and inspections, | |
| (a) where the value of the property does not exceed \$1,000.. | \$4.00 |
| (b) where the value of the property is over \$1,000 and does not exceed \$3,000 | \$5.00 |
| (c) where the value of the property is over \$3,000 and does not exceed \$5,000 | \$7.00 |

Land Titles Act—continued

(d) for each \$1,000 or fraction thereof over \$5,000 and up to \$10,000	\$1.00
(e) for each \$1,000 or fraction thereof over \$10,000 and up to \$25,000 .....	.50
(f) for each \$1,000 or fraction thereof over \$25,000 .....	.25
Plus fees payable to the assurance fund.	
6. For filing letters probate or letters of administration	\$3.00
7. Transmission application, including fees for Certificate of Title and duplicate thereof, registration, searches and all other services connected therewith	\$5.00
Plus fees payable to the assurance fund.	
8. For entering record of marriage or death, including perusal of evidence and memoranda	\$3.00
9. For each Certificate of Title issued to a female owner on her marriage, including duplicate thereof and all filings, memoranda and services connected therewith	\$5.00
10. For each Certificate of Title and duplicate thereof issued upon any other instrument	\$4.00
11. If more than one Certificate of Title is required upon the same instrument, for each Certificate with duplicate thereof after the first Certificate	\$3.00
12. For registering any lease	\$3.00
(Exclusive of the fee for leasehold Certificate of Title)	
13. For filing or registering any mortgage, encumbrance or charge, including memoranda, searches, certificates of charge and other services connected therewith	
(a) where the mortgage is for \$5,000 or under	\$3.00
(b) for each additional \$1,000 or fraction thereof over \$5,000 until the amount reaches \$10,000	\$1.00
(c) for each additional \$1,000 or fraction thereof over \$10,000 until the amount reaches \$50,000 .....	.50
(d) for each \$1,000 or fraction thereof over \$50,000 .....	.25
14. Application for transmission of a mortgage, including certificate of charge	\$5.00
15. For filing or registering	
(a) power of attorney	\$3.00
(b) surrender	\$3.00
(c) mechanic's lien	\$2.00
(d) certificate, order or decree of a Court or judge	\$2.00
(e) assignment of a mortgage, encumbrance or charge	\$3.00
(f) discharge of a mortgage, encumbrance or charge	\$2.00
(g) any other instrument not specifically mentioned in this tariff	\$2.00
16. When any instrument registered deals with or affects land in more than one Certificate of Title, for each memorial after the first	\$1.00

Land Titles Act—continued

17. For each search letter respecting land, included in one Certificate of Title	\$2.00
18. For filing each caveat, and for preparing and mailing the notices in connection therewith	\$4.00
19. For entering a withdrawal of caveat	\$2.00
20. For entry of foreclosure order	\$1.00
21. For each search for each parcel or for a name .....	.50
22. For a certificate as to decrees, orders or executions, including search for one name	\$1.00
For each additional name .....	.50
23. For each certificate of charge after the first	\$1.00
24. For registering each plan or map other than those registered by a Department of the Government of Canada	\$5.00
25. For depositing each map or plan other than those deposited by a Department of the Government of Canada	\$2.00
26. For registering or filing writ of <i>feri facias</i> or a satisfaction of, or withdrawal of, including memoranda and other services connected therewith	\$2.00
27. For the production of each instrument filed or registered ....	.25
28. For returning documents presented for registration for corrections	\$1.00
29. For inspection of each instrument of title for which Certificate of Title is applied .....	.25
30. For copy of, or extract from, any registered instrument or instrument in the custody of the Registrar, per folio of 100 words .....	.25
31. (a) For copy of every map or tracing attached to or endorsed on any instrument	\$4.00
(b) For copy of each map or plan filed, registered or deposited in the Land Titles Office up to and inclusive of one hundred lots	\$4.00
For each additional lot over one hundred .....	.05
(c) For each copy or tracing showing one block of lots or one or more lots in one block on any such map or plan	\$4.00
32. For each certificate signed by the Registrar and authenticated by his official seal .....	.50
33. For taking each affidavit or solemn declaration .....	.50
34. For entering survivor or other person as proprietor in the case of a joint proprietorship	\$2.00
35. For each certificate and reference to a court or judge excepting a reference made under section 154 of the Land Titles Act	\$5.00

36.	For attending court or judge on a reference or on hearing of any petition or on any proceeding, or on producing any document on any application or proceeding before a court or a judge, for each hour	\$5.00
37.	(a) For new duplicate Certificate of Title to replace one worn out, filled up, destroyed or lost	\$4.00
	(b) For perusing proof of loss of Certificate of Title, settling notice for publication and all other services except new Certificate of Title	\$2.00
38.	For consolidating two Certificates of Title	\$4.00
	Each additional Certificate of Title	\$1.00
39.	For Fiat of Registrar to authorize registration of Letters Patent as a transfer upon being supplied with evidence of value,	
	(a) in the case of Letters Patent issued to a veteran	nil
	(b) in the case of Letters Patent issued to any person other than a veteran	\$2.00
	Plus fees payable to the assurance fund	
40.	For registration of Letters Patent as a transfer	
	(a) where Letters Patent are issued to a veteran	\$1.00
	(b) where Letters Patent are issued to any person other than a veteran	\$3.00
	Plus fees payable to the assurance fund	
41.	No fees are payable by the Department of Northern Affairs and National Resources for searches, search letters, certificates as to general registrations or for production of instruments.	

No regulations have been made under this statute.

	Page
1. Lamb and mutton carcasses, grading	1998
2. Bacon, grading and export	2002
3. Beef, grading and branding	2010
4. Dairy cattle export regulations	2013
5. Stockyards	2015
6. Ranched fox pelts, grading	2020
7. Frozen egg regulations	2025
8. Hog carcass grading	2032
9. Canadian unwashed fleece wool, grading	2038
10. Veal carcasses, grading	2045
11. Hatchery regulations	2047
12. Eggs, grading, packing and marking	2061
13. Dressed and eviscerated poultry regulations	2076

Live Stock and Live Stock Products Act—continued**1. Regulations respecting the Grading of Lamb and Mutton Carcasses**

P.C. 4932

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 3rd day of December, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS under authority of the Live Stock and Live Stock Products Act, 1939, regulations respecting the Grading of Lamb Carcasses were made by Order in Council P.C. 2064 of July 27, 1939;

AND WHEREAS such regulations provide only four grades for lamb carcasses, and do not provide grades for mutton carcasses, nor for the branding of lamb and mutton;

AND WHEREAS it is now deemed advisable, in the interests of the sheep industry, to provide five grades for lamb carcasses, to establish grades for mutton carcasses, and also to provide for the branding of lamb and mutton to indicate quality to the consumer;

Now, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the provisions of the Live Stock and Live Stock Products Act, 1939, is pleased to order as follows:

1. The Regulations respecting the Grading of Lamb Carcasses, established by Order in Council, P.C. 2064 of July 27, 1939, are hereby revoked effective December 31, 1947; and
2. The attached revised and amended "Regulations respecting the Grading of Lamb and Mutton Carcasses" are hereby made and established effective December 31, 1947, in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING THE
GRADING OF LAMB AND MUTTON CARCASSES

1. In these Regulations, unless the context otherwise requires,
 - (a) "Act" means the Live Stock and Live Stock Products Act, 1939;
 - (b) "carcass" means a lamb or mutton carcass;
 - (c) "establishment" means any abattoir, packing house or other premises in which lambs or sheep are slaughtered;
 - (d) "lamb carcass" means the carcass from an animal of the ovine species of either sex, up to approximately twelve months of age, having four well defined, relatively soft ridges at the break joint of the forelegs;
 - (e) "mutton carcass" means the carcass from an animal of the ovine species, of either sex, being approximately twelve months of age, or more, having two smooth hard white ridges where the feet are severed at the ankle (spool) joint, and bones somewhat whiter and harder than those in lamb carcasses;

Live Stock and Live Stock Products Act—continued

- (f) "Veterinary Inspector" means an inspector under the Meat and Canned Foods Act;
- (g) "brand" means any mark or stamp that may be applied to lamb or mutton to indicate the quality thereof, or that might be construed as indicating the quality thereof.

Definitions of Grades

2. (1) The prescribed grades for lamb carcasses shall be as follows:

- (a) Grade A: Carcasses having excellent conformation, finish and quality, being relatively short and compact, with short plump legs, broad thick backs, thick full loins, ribs and chucks, and short plump necks, loins, ribs, legs and shoulders well covered but not excessively fat;
- (b) Grade B: Carcasses having good conformation, finish and quality; well proportioned and reasonably plump; loins, ribs, legs and shoulders moderately well covered but not excessively fat;
- (c) Grade C: Carcasses having fair conformation, finish and quality; somewhat rangy and angular in conformation, having at least a moderately light fat covering, which may be unevenly distributed; may include over-finished carcasses;
- (d) Grade D: Carcasses having poor conformation, finish and quality but having at least some traces of exterior fat covering; may include excessively over-finished carcasses;
- (e) Grade E: Culls:
 - (i) Lamb carcasses lacking in finish, quality and general conformation so as not to qualify for Grades A, B, C, or D;
 - (ii) Lamb carcasses having serious physical injury;
 - (iii) Lamb carcasses having definite spear-grass infestation;
 - or
 - (iv) Lamb carcasses that are coarse and lacking in quality.

(2) Carcasses from male lambs that have not been castrated, shall in any case be graded in accordance with the prescribed grades, but when proof of the condition is evident to the grader, such carcasses shall also be designated separately on the grading certificate as "Bucks."

(3) Grades A, B, C, and D shall each be subdivided into classes according to weight as follows:

- (a) Class 1: Lamb carcasses weighing not more than 46 pounds;
- (b) Class 2: Lamb carcasses weighing more than 46 pounds and not more than 51 pounds;
- (c) Class 3: Lamb carcasses weighing more than 51 pounds and not more than 56 pounds; and
- (d) Class 4: Lamb carcasses weighing more than 56 pounds.

3. (1) The prescribed grades for mutton carcasses shall be as follows:

- (a) Grade A: Carcasses having excellent conformation, finish and quality, with short, plump legs, thick loins and ribs,

Live Stock and Live Stock Products Act—continued

fully fleshed shoulders, and thick breasts; a smooth well distributed fat covering, interior fats plentiful; all fats cream coloured and brittle, but not excessive or patchy;

- (b) Grade B: Carcasses having good conformation, finish and quality; well proportioned and reasonably plump, a fairly uniform fat covering, which may be slightly deficient or slightly excessive, but not extremely fat or patchy;
- (c) Grade C: Carcasses having fair conformation, finish and quality; may be comparatively narrow, lengthy and angular; having some fat covering over the back, loins, and rump;
- (d) Grade D: Carcasses having poor conformation, finish and quality; narrow, thinly fleshed, and lacking in finish; bone white and flinty, flesh coarse, soft, or flabby;
- (e) Grade E: Carcasses that are excessively over-fat;
- (f) Grade M: Culls: Carcasses of extremely poor finish and quality, usually from old and emaciated ewes; bones prominent; flesh coarse, flabby and watery. This grade shall also include carcasses having serious physical injury;

and

- (g) Bucks Carcasses of mature, male sheep.

(2) Grades, A, B, C, D, and E shall each be subdivided into classes according to weight as follows:

Grades A, B, C, and D:

Class 1—Carcasses weighing not more than 70 pounds;

Class 2—Carcasses weighing more than 70 pounds and not more than 85 pounds;

Class 3—Carcasses weighing more than 85 pounds;

Grade E:

Class 1—Carcasses weighing not more than 100 pounds;

Class 2—Carcasses weighing more than 100 pounds and not more than 125 pounds;

Class 3—Carcasses weighing more than 125 pounds.

Grading for Settlement to Producers

4. (1) Carcasses that have been rejected or condemned by a Veterinary Inspector shall be graded in accordance with the prescribed grades, and in addition shall be shown separately on the Grading Certificate.

(2) All weights shall be warm dressed weights, carcasses having the pelt, head, feet, stomach, intestines, and pluck removed, but including the kidneys and kidney fat.

(3) Bruises and marks shall not be a factor in grading except in cases of serious physical injury.

Live Stock and Live Stock Products Act—continued

5. The Minister may authorize a lamb and mutton grading service for an establishment and may assign an inspector to the establishment if in the opinion of the Minister the establishment has adequate facilities for the proper and efficient grading and weighing of carcasses and a sufficient volume of carcasses are required to be graded.

6. Where a grading service is available at an establishment, carcasses may, at the option of the buyer and the seller, be graded in accordance with the prescribed grades.

7. When an inspector grades carcasses he shall sign and issue a Grading Certificate that shall show the kind and number of carcasses in each grade and class in each lot.

8. When lambs or sheep are offered for carcass grading the consignor shall identify, or cause to be identified, each animal with a specific mark of identity approved by the Minister.

9. When offering sheep or lambs for carcass grading the consignor or his agent shall make out and sign a manifest showing the name and address of the producer from whom each lot of animals was obtained, the number of animals in the lot and their respective marks of identity; and he shall cause the manifest to be delivered to the inspector at the establishment to which the animals are consigned within twenty-four hours after the arrival of the animals at the establishment.

Branding for Consumer Trade

10. Carcasses may be branded at the option of the operator of the establishment, subject to the following:

- (a) only carcasses that bear the Inspection Legend as required under the Meat and Canned Foods Act may be branded under these Regulations;
- (b) only carcasses that have been graded and stamped by an Inspector may be branded under these regulations, and any brand applied to such carcasses shall be in conformity with the Inspector's stamp thereon;
- (c) no person shall apply any brand to any lamb or mutton unless the use of such brand has been authorized by the Minister;
- (d) the operator of any establishment who desires to apply a brand on lamb or mutton graded under these regulations may apply to the Minister for authority to use such brand or brands;
- (e) The Minister may, for any cause that to him seems sufficient, revoke any authority given by him under paragraph (c) of this section.

11. (1) Brands shall conform to a type approved by the Minister, and shall be applied to the outside surface of the carcasses, with indelible ink, in such a manner as may be prescribed by the Minister, so as to afford maximum identification of quality after the carcasses have been cut.

(2) All brands on "Grade A" carcasses shall be applied with red indelible ink, all brands on "Grade B" carcasses shall be applied with blue indelible ink, and brands on carcasses of the other prescribed grades shall be applied as required by the Minister from time to time.

Live Stock and Live Stock Products Act—continued*Penalties*

12. (1) Nothing in these regulations shall be construed to require carcasses to be graded or branded.

(2) Every person who grades or brands lamb or mutton carcasses shall grade or brand the carcasses in accordance with these regulations.

(3) No person shall sell or offer, advertise or hold in possession for sale any lamb or mutton carcasses under a grade name established by these regulations unless the carcasses were graded in accordance with these regulations.

(4) No person shall, by means of a brand or otherwise, apply to any lamb or mutton carcasses that were not graded under these regulations and no person shall use in association with such carcasses any grade name or other designation so closely resembling a grade name established by these regulations that it is likely to be mistaken therefor.

2. Regulations respecting the Grading and Export of Bacon

P.C. 5329

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 30th day of December, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS under authority of the Live Stock and Live Stock Products Act, 1939, regulations respecting the Grading and Export of Bacon were made by Order in Council P.C. 2447, dated the 7th day of June, 1940, and amended by Order in Council P.C. 4533, dated the 31st day of October, 1946;

AND WHEREAS experience has shown the need of several revisions, additions, and deletions in the technical and legal detail of the said regulations;

AND WHEREAS it is believed these changes will be instrumental in improving and standardizing the quality of bacon exported from Canada;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the provisions of the Live Stock and Live Stock Products Act, is pleased to order as follows:

1. The Regulations respecting the Grading and Export of Bacon, established by Order in Council P.C. 2447 of the 7th day of June, 1940, as amended, are hereby revoked; and
2. The attached revised and amended Regulations respecting the Grading and Export of Bacon are hereby made and established in substitution for the regulations hereby revoked.

Live Stock and Live Stock Products Act—continued

REGULATIONS RESPECTING THE GRADING AND EXPORT OF BACON

1. In these regulations,

- (a) "Act" means The Live Stock and Live Stock Products Act, 1939;
- (b) "bacon" means all pork products destined for export to Great Britain;
- (c) "export" means export to Great Britain; and
- (d) "exporter" means any person licensed under the regulations to export bacon to Great Britain.

2. (1) The Minister may issue a licence to any person to export bacon and may prescribe the terms and conditions under which such licence is issued.

(2) No person shall export bacon unless authorized by licence of the Minister.

(3) Every exporter shall comply with the terms and conditions prescribed in his licence.

(4) The Minister may decline to issue a licence if he is not satisfied that the applicant therefor is able to comply with these regulations and the terms and conditions of his licence; and the Minister may suspend or cancel any licence for violation of any of these regulations or the Act.

3. All bacon and all packages containing bacon shall be branded and marked in a neat and clear manner and as prescribed in these regulations.

4. Bacon shall be graded according to the grades and grade names prescribed by these regulations.

5. The prescribed grades for bacon are as follows:

I. WILTSHIRE SIDES

(1) *Grade "A"*

- (a) Grade "A" Wiltshire sides weighing 55 pounds or more shall be made only from carcasses measuring at least 29 inches from the lower front edge of the first rib to the inside of the aitch bone, and Grade "A" Wiltshire sides weighing less than 55 pounds shall be made only from carcasses measuring at least 28 inches from the lower front edge of the first rib to the inside of the aitch bone;
- (b) Grade "A" Wiltshire sides shall have a clean bright appearance, and be neatly butchered and trimmed; they shall be well balanced, with reasonably uniform width throughout, with a good proportion of lean to fat and meat to bone; the streak shall be reasonably thick and the gammon plump and well shaped;
- (c) the fleshing of Grade "A" Wiltshire sides shall be of good quality and texture throughout; the fat shall be reasonably white and firm, soft or oily sides shall not be included;
- (d) the following shall disqualify a Wiltshire side from Grade "A":
 - (i) proportionately heavy front end;
 - (ii) deep breast;
 - (iii) exceptionally long shanks;
 - (iv) belly with thin, excessively fat or a wide spready flank;
 - (v) more than slight evidence of dark hair roots or pigment;
 - (vi) coarse, rough, thick, or staggy rinds; or

Live Stock and Live Stock Products Act—continued

- (vii) bruises or scratches—
except that a small number of the following minor blemishes may be accepted—
 - (viii) shallow scalps not exceeding 1½ inches in diameter;
 - (ix) minor surface scratches;
 - (x) small skin cuts or cracks; or
 - (xi) small bruises when occurring only on bellies and lower front or hind shanks.
- (2) *Grade “B”*
- (a) Grade “B” Wiltshire sides shall be of good quality, but may include sides that have some imperfections in conformation, type or workmanship;
 - (b) Grade “B” Wiltshire sides shall be free from extensive bruises or blemishes, but may include sides with small bruises and those from which small bruises have been trimmed;
 - (c) Grade “B” Wiltshire sides shall be free from extensive areas of dark hair roots or pigment;
 - (d) very thin, very soft, or oily sides shall not be included in Grade “B”.
- (3) *Fat Selections*
- (a) Fat selections 1 (leanest), 2 (lean) and 3 (prime) are applicable to both Grades A and B Wiltshire sides as follows:

Maximum Fat Measurements				
	Weight Range	Selection	Maximum Shoulder Fat	Maximum Back and Loin Fat
(i)	50-55	1	1¾ inches	1¼ inches
		2	2 inches	1½ inches
		3	2¼ inches	1¾ inches
(ii)	55-60	1	1⅞ inches	1⅝ inches
		2	2⅞ inches	1⅞ inches
		3	2⅞ inches	1⅞ inches
(iii)	60-65	1	2 inches	1½ inches
		2	2¼ inches	1¾ inches
		3	2½ inches	2 inches
(iv)	65-70	1	2⅞ inches	1⅞ inches
		2	2⅞ inches	1⅞ inches
		3	2⅞ inches	2¼ inches

Fat Measurements for other Weight Ranges

- (b) Maximum fat measurements for Wiltshire sides weighing 45 pounds or more but less than 50 pounds shall, for both measurements in each selection, be ⅛ inch less than those prescribed for the 50-55 range.
- (c) Maximum fat measurements for Wiltshire sides weighing over 70 pounds shall, for both measurements in each selection, be ⅛ inch greater for each additional 5 pounds weight than those prescribed for the 65-70 range.

Maximum Shoulder Fat Measurement

- (d) The maximum shoulder fat measurement shall be taken at the point of maximum fat thickness on the shoulder; a small infiltration of fatty tissue, which is not properly a part of the back fat, may be disregarded.

Live Stock and Live Stock Products Act—continued

Maximum Back and Loin Fat Measurement

- (e) The maximum back and loin fat measurement shall be taken at the point of maximum fat thickness between the eighth rib and the round bone.

II. CUTS

(1) *Grade "A"*

- (a) Grade "A" Cuts shall have a clean cut bright appearance, and shall be neatly butchered and trimmed, with a good proportion of lean to fat and meat to bone; the fleshing throughout shall be of good quality and texture; the fat shall be reasonably white and firm; soft or oily cuts shall not be included;
- (b) each Grade "A" Cut shall be of correct shape according to the recognized commercial standard for that cut;
- (c) Grade "A" Cuts shall be free of bruises or blemishes except as hereinafter provided;
- (d) if Cuts are branded, both ribbon and proprietary brands must be clearly legible and without signs of smearing or blurring;
- (e) Grade "A" Cuts shall have a rind that is reasonably thin; coarse, rough, thick staggy rinds shall disqualify any cut for Grade "A".

(2) *Hams and Gammons*

- (a) Fat selections for Hams and Gammons are as follows:

Fat Measurements

<i>Weight Range</i>	<i>Maximum</i>	<i>Minimum</i>
(i) 12-18 and under	1½ inches	½ inch
(ii) 18-20	1¾ inches	½ inch
(iii) 20-22 and over	1¾ inches	½ inch

- (b) Fat measurements shall be taken at the butt end, when the ham or gammon is lying flesh side up, at the thickest and thinnest points which occur within 3 inches either to the right or left of the aitch or round knuckle bone.
- (c) The following shall disqualify a gammon or ham from Grade "A":
- (i) exceptionally long shanks;
 - (ii) more than slight evidence of dark hair roots or pigment;
 - (iii) coarse, rough, thick, or staggy rinds;
 - (iv) bruises or scratches—

except that a small number of the following minor blemishes may be accepted—

- (v) shallow scalps not exceeding 1½ inches in diameter;
- (vi) minor surface scratches;
- (vii) small skin cuts or cracks;
- (viii) small bruises when occurring only on the lower shank.

Live Stock and Live Stock Products Act—continued(3) *Middles*

(a) Fat selections for Middles are as follows:

<i>Fat Measurements</i>			
<i>No. 1 Selection (Leanest)</i>			
<i>Weight Range</i>	<i>Maximum Shoulder</i>	<i>Maximum Loin</i>	<i>Minimum Fat</i>
(i) 22-25	1½ inches	1¼ inches	¾ inch
(ii) 25-30	1¾ inches	1½ inches	¾ inch
(iii) 30-34 and over	1⅞ inches	1⅝ inches	¾ inch
<i>No. 2 Selection (Lean)</i>			
(iv) 22-25	1¾ inches	1½ inches	—
(v) 25-30	2 inches	1¾ inches	—
(vi) 30-34 and over	2⅛ inches	1⅞ inches	—
<i>No. 3 Selection (Prime)</i>			
(vii) 22-25	2 inches	1¾ inches	—
(viii) 25-30	2¼ inches	2 inches	—
(ix) 30-34 and over	2⅜ inches	2⅞ inches	—

(b) Maximum Shoulder measurements shall be taken on the back at the shoulder end of the Middle.

(c) Maximum Loin measurements shall be taken on the back at the point of maximum fat thickness between the eighth rib and the gammon end.

(d) Minimum Fat measurements shall be taken on the back at the point of minimum fat thickness.

(e) The following shall disqualify a Middle from Grade "A";

- (i) more than slight evidence of dark hair roots or pigment;
- (ii) belly thin, excessively fat or wide, spready flank;
- (iii) coarse, rough, thick or staggy rinds;
- (iv) bruises or scratches—

except that a small number of the following minor blemishes may be accepted—

- (v) shallow scalps not exceeding 1½ inches in diameter;
- (iv) minor surface scratches;
- (vii) small skin cuts or cracks;
- (viii) small bruises when occurring only on the bellies.

(4) *Rib Backs*

(a) Fat selections for Rib Backs are as follows:

<i>Fat Measurements</i>			
<i>No. 1 Selection (Leanest)</i>			
<i>Weight Range</i>	<i>Maximum Shoulder</i>	<i>Maximum Loin</i>	<i>Minimum Fat</i>
(i) 10-14	1½ inches	1¼ inches	¾ inch
(ii) 14-16	1¾ inches	1½ inches	¾ inch
(iii) 16-18 and over	1⅞ inches	1⅝ inches	¾ inch
<i>No. 2 Selection (Lean)</i>			
(iv) 10-14	1¾ inches	1½ inches	—
(v) 14-16	2 inches	1¾ inches	—
(vi) 16-18 and over	2⅛ inches	1⅞ inches	—
<i>No. 3 Selection (Prime)</i>			
(vii) 10-14	2 inches	1¾ inches	—
(viii) 14-16	2¼ inches	2 inches	—
(ix) 16-18 and over	2⅜ inches	2⅞ inches	—

Live Stock and Live Stock Products Act—continued

- (b) Maximum Shoulder measurements shall be taken at the shoulder end of the Rib Back on the back.
- (c) Maximum Loin measurements shall be taken at the point of maximum fat thickness between the eighth rib and the gammon end on the back.
- (d) Minimum Fat measurements shall be taken at the point of minimum fat thickness on the back.
- (e) The following shall disqualify Rib backs from Grade "A";
 - (i) more than slight evidence of dark hair roots or pigment;
 - (ii) coarse, rough, thick or staggy rinds;
 - (iii) bruises or scratches—

except that a small number of the following minor blemishes may be accepted—

- (iv) shallow scalps not exceeding 1½ inches in diameter;
- (v) minor surface scratches;
- (vi) small skin cuts.

(5) Fore-ends

(a) Fat selections for Fore-ends are as follows:

Fat Measurements		
No. 1 Selection (Leanest)		Maximum Shoulder
(i) 12-16	.....	1¾ inches
(ii) 16-18	.....	1⅞ inches
(iii) 18-20 and over	.....	2 inches
No. 2 Selection (Lean)		
(iv) 12-16	.....	2 inches
(v) 16-18	.....	2⅛ inches
(vi) 18-20 and over	.....	2¼ inches
No. 3 Selection (Prime)		
(vii) 12-16	.....	2½ inches
(viii) 16-18	.....	2⅝ inches
(ix) 18-20 and over	.....	2½ inches

- (b) Maximum Shoulder measurements shall be taken at the point of maximum fat thickness on the Shoulder; a small infiltration of fatty tissue, which is not properly part of the back fat, may be disregarded.
- (c) The following shall disqualify Fore-ends from Grade "A":
 - (i) more than slight evidence of dark hair roots or pigment;
 - (ii) coarse, rough, thick or staggy rinds;
 - (iii) bruises or scratches—

except that a small number of the following minor blemishes may be accepted—

- (iv) shallow scalps not exceeding 1½ inches in diameter;
- (v) minor surface scratches;
- (vi) small cuts;
- (vii) small bruises when occurring only on the lower shank.

(6) Other Cuts

Any other Cuts shall conform to recognized commercial standards.

Live Stock and Live Stock Products Act—continued

6. Bacon shall be packaged as the Minister may from time to time prescribe.

7. Bacon being exported shall receive such care and handling in transit as may from time to time be prescribed by the Minister.

8. Every exporter of bacon shall issue a signed statement in the form prescribed by the Minister respecting each shipment of bacon being exported; such statement shall be signed by an inspector and one copy thereof shall be forwarded by the exporter to the Marketing Service, Department of Agriculture, Ottawa.

9. Licences issued under these Regulations shall be in the following form:

“LIVE STOCK AND LIVE STOCK PRODUCTS ACT
LICENCE TO EXPORT BACON

Under the provisions of the Live Stock and Live Stock Products Act, 1939,

.....
of in the Province of
is hereby licenced TO EXPORT BACON in accordance with the provisions
of the said Act and Regulations.

Terms and Conditions

1. This licence authorizes the export to Great Britain of bacon only of such quality, kind and quantity and within such periods as the Minister may from time to time prescribe; and the licensee shall not export bacon to Great Britain except as authorized by the Minister.

2. This licence is not transferable and may be cancelled as provided in The Live Stock and Live Stock Products Act, 1939, and regulations thereunder.”

10. (1) Each exporter of bacon shall make out and complete a statement and certificate on the following form:

(NAME OF EXPORTER)

.....

Shipment No.	Date
Consigned to	at
RAIL	OCEAN
From	From
R.R.	SS.
Car No.	to

Department of Agriculture Export Permitted	This is to certify that we have this day shipped Wiltshire sides graded in accordance with the official regulations as listed below.
---	--

.....

Inspector	Officer of Exporting Firm
-----------	---------------------------

.....

Live Stock and Live Stock Products Act—continued

Grade and Selection	Bale No.	Weight Range	Wt. of Bales	Grade and Selection	Bale No.	Weight Range	Wt. of Bales

(2) One copy of each statement shall be delivered to the Inspector.

(3) It is recommended that, for convenience and uniformity, these statements shall be on paper measuring 8 inches by 13 inches.

11. (1) All Grade “A” sides shall bear the official brand “CANADA” in the form of an arc above the proprietary brand of the exporter.

(2) Grade “B” bacon shall be branded with the proprietary brand of the exporter only, such brand to be different from the proprietary brand included with the word “CANADA” for branding Grade “A” bacon.

(3) Proprietary brands shall not contain the word “CANADA” or “CANADIAN”.

(4) The official brand “CANADA” shall consist of block letters not less than five-eighths of an inch in height.

12. (1) Each Wiltshire side of Number one or Number two Selection of both A and B Grades shall be stamped with the appropriate number to designate the selection; for this purpose a needle or chisel point stamp shall be used, of the size and design described hereafter for each selection; such stamp shall be applied in a legible manner on a clear space on the loin, midway between the last rib and the oyster bone and between the Ribbon Marking and the edge of the back on the skin side; it shall be placed so that the top of the figure is towards the neck-end.

(2) No. 1 Selection (leanest) shall be stamped with a figure 1 of $\frac{3}{4}$ inches in height; within a triangle of 1 inch at the base and $1\frac{1}{4}$ inches high, or as may be prescribed by the Minister from time to time.

(3) No. 2 Selection (lean) shall be stamped with a figure 2 of $\frac{3}{4}$ inches in height, within a rectangle of $\frac{7}{8}$ inches wide and $1\frac{1}{8}$ inches high, or as may be prescribed by the Minister from time to time.

(4) No. 3 Selection shall not be stamped.

Live Stock and Live Stock Products Act—continued**3. Regulations respecting the Grading and Branding of Beef**

P.C. 868

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 2nd day of March, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the provisions of The Live Stock and Live Stock Products Act, 1939, is pleased to order as follows:

1. The Regulations respecting the Grading and Branding of Beef, established by Order in Council P.C. 3851 of October 1, 1947, are hereby revoked; and
2. The attached "Regulations Respecting the Grading and Branding of Beef" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING THE GRADING AND BRANDING OF BEEF

1. In these Regulations, unless the context otherwise requires:
 - (a) "Act" means The Live Stock and Live Stock Products Act, 1939;
 - (b) "beef" means the carcass or portion thereof of a steer, heifer, cow, stag or bull of the bovine species, that has been skinned, dressed and scribed in accordance with standard practice, but does not include veal;
 - (c) "establishment" means any person, partnership, or company engaged in the purchase or slaughter of cattle, or the selling or offering for sale of beef;
 - (d) "brand" means any mark or stamp that may be applied to beef to indicate the quality thereof or that might be construed as indicating the quality thereof.

Definitions of Grades

2. The prescribed grades for beef shall be as follows:

Grade A (Choice—Red Brand)—This grade shall include only choice carcasses of steers and heifers having the following characteristics: excellent conformation, finish and quality. The carcasses shall be relatively short and blocky, heavily and uniformly fleshed throughout. Rounds, loins and ribs shall be very well developed, chucks and plates shall be very thick and heavily fleshed. The neck shall be short and well filled. Shanks shall be short and well muscled.

The flesh shall be firm, velvety, fine-grained, and of an attractive light or cherry red colour.

Live Stock and Live Stock Products Act—continued

The cartilages on the chine and breast bones shall be pearly white and the bones soft and red, except that in the heavier carcasses the cartilages may be slightly ossified, and the bones slightly hardened and of a grayish white colour.

The exterior surface of the carcass shall be covered with firm fat, white or slightly high in colour. This fat should as a rule be smooth, but may be slightly wavy.

In the case of carcasses from fed calves a lesser degree of finish is required than for heavier carcasses.

An excess proportion of fat to lean shall debar a carcass from this grade. Each carcass in this grade shall have a cold weight of not less than 300 lbs.

Grade B (Good—Blue Brand)—This grade shall include only good carcasses of steers and heifers having the following characteristics: good conformation, finish and quality. Rounds, loins and ribs shall be reasonably full. Chucks and plates shall be moderately thick. The neck shall be reasonably short and thick.

The flesh should be moderately firm but a slight softness is permissible. The colour may range from a light cherry red to a slightly darker red but shall not be excessively dark.

The cartilages on the chine and breast bones should be pearly white and the bones soft and red, except that in the heavier carcasses the cartilages may be slightly ossified, and the bones slightly hardened and of a grayish white colour.

The fat covering shall extend well over the exterior surfaces but may be somewhat lacking on the neck and lower parts of the rounds, shoulders and shanks. The hips and shoulder points may be slightly visible. The fat covering should be reasonably firm, smooth and white but may be somewhat soft or have a yellowish tinge.

In the case of carcasses from fed calves a lesser degree of finish is required, as in Grade A.

An excess proportion of fat to lean shall debar a carcass from this grade.

Each carcass in this grade shall have a cold weight of not less than 300 lbs.

Grade C—This grade shall include only carcasses of steers, heifers and cows.

Carcasses shall have the following indications of youth: Hind quarters shall have cartilage on the tips of the lumbar vertebrae, or a red line where the capping cartilage was present, indicating that ossification was only recently completed. On the front quarters, while there may be considerable ossification, some pearl like cartilage must be in evidence on the tips of the dorsal vertebrae and on the sternum bone.

Carcasses of steers and heifers shall have the following characteristics in addition to the above required indications of youth; carcass relatively long in proportion to its width and inclined to be slightly angular; hip and shoulder joints noticeable but not prominent; ribs, loins, and rounds moderately thick; the fat covering extended well over most of the exterior surface, but may be rough, wavy, or wasty at the hook-bones and tail end; fat shall be firm, but may have a yellowish tinge; flesh moderately firm but may be slightly soft.

Live Stock and Live Stock Products Act—continued

Carcasses of cows shall have the following characteristics in addition to the above required indications of youth; beef type conformation, good finish, and quality; rounds thick; loins may be somewhat flat; rib, chuck, plate and brisket moderately thick; hip and shoulder joints slightly prominent but well covered; exterior fat extending well over the carcass without excessive waste or patchiness; fat firm, creamy to yellowish in colour; flesh firm, fine-grained, and of good colour.

Grade D—Class 1—This class shall include only the carcasses of steers and heifers having the following characteristics: conformation may be somewhat rangy, angular and irregular; the rounds, loins and ribs may be thinly fleshed providing there is a medium proportion of meat to bone; there shall be at least a light fat covering over the ribs and loins; the flesh may be dark in colour.

Class 2—This class shall include only the carcasses of cows having the following characteristics: of medium to good quality, not eligible for C Grade; carcasses shall be fairly well fleshed on the hips, steak pieces, and chucks, with an exterior fat covering over the loins and ribs, extending at least moderately well over the chucks and rounds, providing that somewhat less covering is acceptable in carcasses having indications of youth. Excessively fat and patchy carcasses may be included if well trimmed, leaving a fair proportion of lean to fat.

Class 3—This class shall include only cow carcasses not eligible for Class 2 but above “Canner and Cutter” quality. The requirement with respect to the acceptance of excessively fat and patchy carcasses as specified for Class 2 shall also apply to this class.

Grade M (Manufacturing)—This grade shall include only carcasses of steers, heifers, or cows. Cow carcasses constitute a large proportion of the beef eligible for this grade.

The quality shall be below that specified for D grade and for the most part shall include beef not suitable for sale as carcasses. There may be a large proportion of bone to flesh and exterior fat covering may be absent.

Grade S (Stags and Bulls)—This grade shall include only the carcasses of stags and bulls.

Branding for Consumer Trade

3. Only beef that bears the Inspection Legend as required under the Meat and Canned Foods Act may be branded under these regulations.

4. Only beef that has been graded and stamped by an inspector while in carcasses or sides may be branded under these regulations, and any brand applied to such beef shall be in conformity with the inspector's stamp thereon.

5. (1) No person shall apply any brand to any beef unless the use of such brand has been authorized by the Minister.

(2) Any establishment that desires to apply a brand on beef graded under these regulations shall apply to the Minister for authority to use such brand or brands.

(3) The Minister may, for any cause that to him seems sufficient, revoke any authority given by him under subsection one of this section.

Live Stock and Live Stock Products Act—continued

6. (1) Brands shall conform to a type approved by the Minister and shall be applied on the outside surface of the beef with indelible ink in such manner as may be prescribed by the Minister so as to afford maximum identification of quality after the beef has been cut.

(2) All brands on "Grade A" beef shall be applied with red indelible ink, all brands on "Grade B" beef shall be applied with blue indelible ink and brands on beef of the other prescribed grades shall be applied as required by the Minister from time to time.

Grading for Settlement to Producers

7. When beef carcasses have been graded in accordance with these regulations the inspector may, if requested, sign and issue a certificate showing the number of carcasses in each grade and class, if

- (a) the cattle are identified before slaughter with a specific mark of identity as approved by the Minister; and
- (b) the consignor of such cattle, or his agent, has made out and signed a manifest showing each farmer's name, address, number of cattle of each farmer and their respective marks of identity, and delivered such manifest to the inspector at the establishment to which such cattle are consigned within twenty-four hours after the arrival of the cattle at the establishment.

Penalties

8. (1) Nothing in these regulations shall be construed to require any beef to be graded or branded.

(2) Every person who grades and brands beef shall grade and brand such beef in accordance with these regulations.

(3) No person shall sell or offer, advertise or hold in possession for sale any beef under a grade name established by these regulations unless the beef is graded and branded in accordance with these regulations.

(4) No person shall, by means of a brand or otherwise, apply to any beef that is not graded and branded under these regulations and no person shall use in association with such beef, any grade name or other designation so closely resembling a grade name established by these regulations that it is likely to be mistaken therefor.

4. Regulations respecting the Export of Dairy Cattle

P.C. 4297

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 29th day of September, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the provisions of section 34 of The Live Stock and Live Stock Products Act, 1939, 3 George VI, chapter 47, is pleased to order as follows:

Live Stock and Live Stock Products Act—continued

1. The Regulations respecting the Export of Dairy Cattle, established by Order in Council P.C. 2064 of 27th July 1939, as amended, are hereby revoked; and

2. The annexed regulations entitled "Regulations Respecting the Export of Dairy Cattle" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING THE EXPORT OF DAIRY CATTLE

Short Title

1. These regulations may be cited as the *Dairy Cattle Export Regulations*.

Interpretation

2. In these regulations

- (a) "Act" means The Live Stock and Live Stock Products Act, 1939;
- (b) "dairy cattle" means
 - (i) pure bred or grade female cattle suitable in breeding, type and condition for milk production; and
 - (ii) pure bred male animals suitable in breeding, type and condition for the reproduction of dairy cattle;
- (c) "export" means export to Great Britain;
- (d) "exporter" means any person licensed under these regulations to export dairy cattle;
- (e) "Minister" means the Minister of Agriculture.

Licences

3. (1) The Minister may issue a licence to any person to export dairy cattle and may prescribe the conditions under which such licence may be issued.

(2) No person shall export dairy cattle until authorized by a licence from the Minister.

(3) The Minister may suspend or cancel any licence issued for violation of any of these regulations or of any term or condition under which such licence is issued.

Inspection

4. Dairy cattle shall not be exported unless and until they have been inspected by an inspector under the Act and have been approved by him as dairy cattle within the meaning of these regulations.

5. Dairy cattle shall not be exported unless and until they have been inspected by an inspector under the Animal Contagious Diseases Act, Revised Statutes of Canada, 1927, chapter 6, and regulations thereunder, and certificates of tuberculin test and of blood test for Bangs Disease (bovine infectious abortion) have been issued with respect thereto.

6. Individual certificates of tuberculin test and of Bangs Disease (bovine infectious abortion) test as required by these regulations must accompany all dairy cattle exported.

Live Stock and Live Stock Products Act—continued

Calving

7. Dairy cattle which show indications of calving within a period of twenty-one days from the time of inspection by an inspector under the Act shall not be exported.

Shipping Space

8. In the case of any dairy cattle that might freshen during the period of a voyage or shipment, exporters shall provide for at least four per cent (4%) more boat space for each such animal than the amount usually allowed for each animal.

Winter Export

9. Dairy cattle which are to be transported in winter from Montreal, P.Q., to the ports of Saint John, N.B., or Halifax, N.S., shall be transported in properly ventilated box cars containing extra bedding and a blanket for each animal. Any shipment from Montreal to either of the aforesaid ports shall be accompanied by attendants who are experienced in the care of dairy cattle.

Form of Licence

Under the authority of The Live Stock and Live Stock Products Act, 1939, and the regulations respecting the Export of Dairy Cattle made thereunder,

I, the undersigned
Deputy Minister of Agriculture for Canada,
do hereby issue to
a licence effective

This licence shall be valid until such time as it is revoked in writing.

.....
Deputy Minister of Agriculture

Dated at Ottawa, Canada, this

(This licence implies no assurance that any cattle shipped hereunder to Great Britain will be accepted in Great Britain).

5. Regulations respecting Stockyards

P.C. 4298

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 29th day of September, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the provisions of section 13 of The Live Stock and Live Stock Products Act, 1939, 3 George VI, chapter 47, is pleased to order as follows:

Live Stock and Live Stock Products Act—continued

1. The regulations under The Live Stock and Live Stock Products Act, 1939, with respect to Stockyards, established by Order in Council P.C. 2064 of 27th July, 1939, as amended, are hereby revoked; and

2. The annexed regulations entitled "Regulations respecting Stockyards" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING STOCKYARDS

Stockyard Equipment and Accommodation

1. Every stockyard shall be constructed and equipped to provide adequate accommodation for the transaction with convenience, safety and despatch of all business reasonably to be anticipated.

2. The proprietor shall provide:

- (a) sufficient platform space, unloading chutes and chute pens to permit prompt, safe and convenient loading and unloading of live stock;
- (b) reasonable protection for live stock against weather conditions;
- (c) sufficient windows in all buildings to light the same by day and reasonable artificial light by night;
- (d) adequate water supply for live stock conveniently located in pens and stables;
- (e) office accommodation at a reasonable rental for commission merchants, co-operative associations and dealers;
- (f) weigh scales with a type register beam for operation only by a weighmaster approved by the Minister;
- (g) gate locks for all pens. Keys to gate locks shall be entrusted only to employees and agents of the proprietor.

Unloading on Arrival

3. A proprietor shall be responsible for the prompt unloading of all live stock arriving at his stockyard in railway cars unless the owner or his agent otherwise directs, and he shall be responsible for the care and custody of such live stock until he is given a signed release by the owner or his agent.

Care and Custody of Live Stock

4. Every proprietor shall be responsible for the care and custody of all live stock sold on his stockyard from the time such live stock is weighed to a purchaser or for the account of a purchaser, until such live stock has been delivered to the purchaser or his agent or loaded for shipment. Such live stock, until delivered or loaded, shall be penned separately in the name of such purchaser and shall not be mixed with other live stock not the property of such purchaser.

Loading Live Stock

5. Every proprietor shall load live stock into railway cars in accordance with the instruction of the owner or his agent.

Live Stock and Live Stock Products Act—continued

Segregation of Deads, Cripples, and Immature Calves

6. Every proprietor shall segregate for disposal as the inspector may require all deads, downers, cripples, immature calves or calves under three weeks of age, or animals the ownership of which is challenged by any Provincial Department of Agriculture.

Careful Handling to Avoid Injury

7. Live stock shall be handled at all times so as to minimize the probability of injury.

Insurance Against Fire

8. Every proprietor shall fully insure and keep insured against loss by fire all live stock in his stockyard.

Record of Live Stock Receipts

9. Every proprietor shall keep an adequate record in such form as the Minister may prescribe showing the origin, owner, number and kind of all live stock in each carload, truckload or other shipment received at his stockyard.

Record of Sales

10. Every proprietor shall keep a record of all sales of live stock in such form as the Minister may prescribe.

Maintenance Rations

11. A proprietor shall, to prevent suffering, provide at the expense of the owner, maintenance rations for all live stock while in his custody.

Feed Supplied by Stockyards

12. Every proprietor on or before the tenth day of each month shall file with the Minister a statement supported by such documentary or other evidence as the Minister may require, showing the average cost as at the first of such month of the several classes of feed and bedding on hand for sale at his stockyard and the prices at which such feed and bedding will be sold during the current month. All such feed and bedding shall be of good quality. All feed shall be subject to inspection by an inspector and if not of suitable quality shall not be used for feed on the stockyard.

Security to be provided by Commission Merchants and Co-operative Associations

13. A proprietor shall not permit a commission merchant or co-operative association to operate on his stockyard until advised by the Minister that security as required by Section 20 of the Act has been deposited with the Department. Such security shall be a guarantee bond of a surety company approved by the Minister in the sum of \$10,000 payable to His Majesty the King and conditioned upon proper accounting and payment by such commission merchant or co-operative association of all monies obtained from the sale of or to purchase live stock and the payment of all properly authorized charges for services rendered.

Live Stock and Live Stock Products Act—continued*Security to be Provided by Dealers*

14. A proprietor shall not permit a dealer to operate on his stockyard until advised by the Minister that security as provided for in section 20 of the Act in a sum to be fixed by the Minister has been deposited with the Department, but in no case shall such bond be for less than \$2,000 and shall be conditioned upon proper accounting and payment by such dealer of the purchase price of all live stock purchased by him.

15. If at any time any bond is deemed by the Minister to be insufficient or unsatisfactory, a proprietor, upon receipt of notice to that effect from the Minister or his representative, shall forthwith refuse to the commission merchant, co-operative association or dealer named in such notice the right to carry on business on his stockyard.

Registration of those Authorized to do Business

16. Every proprietor shall file with the inspector at his stockyard the names, addresses and nature of occupation of all persons or associations authorized to transact such business on behalf of such persons or associations and shall notify such inspector immediately in writing of any change in personnel of any such persons or associations or in those authorized to transact business on their behalf.

Shippers' Trust Account

17. Each Shippers' Trust Account as required by section 26 of the Act shall be deemed to be a collective or bulk trust account for the conduct of its commission business rather than a combination of individual trusts, but no monies shall be paid out of such account other than in accordance with these regulations. No withdrawals shall be made from the Shippers' Trust Account by a commission merchant or co-operative association except for the following purposes:—

- (a) To pay the owner, shipper or consignor of live stock consigned for sale on commission the net proceeds of the sale thereof;
- (b) to pay for live stock purchased on commission order;
- (c) to pay any proper claims or charges for freight, feed, feeding, draying, yardage, insurance or other expenses properly chargeable to the owner, shipper, consignor or buyer of live stock purchased or sold on his behalf, which separate charges shall be shown as such on proper account of purchase or sale rendered to him;
- (d) to pay to an owner, shipper or consignor of live stock consigned for sale on commission after the live stock has arrived at the stockyard, an advance not exceeding 75 per cent of the estimated net value thereof and which shall be shown as such on the account of sale subsequently rendered to him;
- (e) to withdraw earned commissions or money advanced from its own account.

Cheques issued against the Shippers' Trust Account shall be drawn on a special form bearing the name of the commission merchant or co-operative association together with the words "Shippers' Trust Account". No cheque shall be issued against a Shippers' Trust Account unless sufficient funds are available in the account to meet such cheque.

Live Stock and Live Stock Products Act—continued

Pooling

18. A commission merchant or co-operative association may appraise live stock into a pool with the consent of the owner, shipper or consignor thereof. The total receipts accruing from the sale of live stock appraised into a pool, less authorized marketing expenses, shall be remitted to the owners either by distributing the proceeds after all the stock has been sold or by making an advance on account, not to exceed 75 per cent of the appraised value, to be followed by the balance of the proceeds after all the stock has been sold.

General Trading Requirements

19. For every sale or resale of live stock, a scale ticket shall be issued by the weighmaster showing the date, weight, owner, buyer, number, kind, class and price; provided that when live stock is sold by the head, the weight may be omitted. When the sale of live stock is negotiated by a commission merchant or co-operative association or when live stock is purchased by a commission merchant or co-operative association to fill a customer's order, the name of the commission merchant or co-operative association shall be shown on the scale ticket.

20. Every person purchasing live stock at a stockyard to fill a customer's order shall be responsible that the weights and prices shown on the account of purchase rendered to the customer shall be the weights and prices of the identical live stock delivered to such customer.

21. No commission merchant or co-operative association shall sell or permit the sale of live stock consigned for sale, to any employee or member of its firm, partnership or corporation.

22. All purchases and sales of live stock at the stockyard shall be made upon the basis of a *bona fide* bid to buy by the purchaser and the acceptance of such bid by the seller or an offer to sell by the salesman and the acceptance of such offer by the buyer. The price bid or offered and accepted at the time of the transaction shall be the price governing such purchase or sale, and the scale ticket shall be so marked.

23. All terms of any transaction pertaining to the purchase or sale of live stock shall be agreed upon at the time of the purchase or sale, and in no case shall any deduction, change or offset of any nature be claimed or allowed other than such as was specified and agreed upon by the parties at the time.

24. Commission merchants, co-operative associations and dealers shall be responsible for the accuracy of information supplied by them or their employee or agent for entry on the scale tickets.

25. A commission merchant or co-operative association shall not allow any employee to purchase or sell live stock on his own account.

26. Every co-operative association and commission merchant operating on a stockyard shall produce for inspection when required by an inspector any or all orders for purchase of live stock.

27. Every commission merchant or co-operative association shall, on the last business day of each month, file with the inspector located at the stockyard at which they operate a statement showing the total value of daily sales of live stock to every dealer.

Live Stock and Live Stock Products Act—continued*Packers' Yards*

28. Each packer's yard shall be equipped with scales having a type register beam or other approved recording equipment for the weighing of all live stock purchased either alive or dressed weight.

29. When weighing live stock to be purchased, the weigh scales in packers' yards shall be operated only by weighmasters approved by the Minister.

30. Each packer's yard shall keep a record in such form as the Minister may prescribe of the origin, class, volume, quality and purchase price of all live stock received.

6. Regulations respecting the Grading of Ranched Fox Pelts

P.C. 4399

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 5th day of October, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the provisions of section 34 of The Live Stock and Live Stock Products Act, 1939, 3 George VI, chapter 47, is pleased to order as follows:

1. The regulations under The Live Stock and Live Stock Products Act, 1939, respecting the Grading of Ranched Fox Pelts, established by Order in Council P.C. 8023 of 19th October, 1943, as amended, are hereby revoked; and

2. The regulations hereto annexed entitled "Regulations Respecting the Grading of Ranched Fox Pelts" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING THE GRADING OF RANCHED FOX PELTS

1. In these regulations, unless the context otherwise requires:

- (a) "Act" means the Live Stock and Live Stock Products Act, 1939.
- (b) "auction house" means any place where furs are assembled and sold to the public by competitive bidding.
- (c) "department" means the Dominion Department of Agriculture.
- (d) "grade", "graded" or "grading" means the classification of pelts as to colour, quality and size, according to the standards prescribed.
- (e) "inspection" means the examination of graded pelts by an Inspector in order to certify that such pelts are graded in accordance with these regulations.
- (f) "marketing organization" means any organization or person negotiating sales of pelts on behalf of producers on a consignment basis.

Live Stock and Live Stock Products Act—continued

(g) “pelt” means the raw pelt of the following types of foxes—Standard Silver (including Alaskan), White-Marked Silver, Platinum, Pearl Platinum, White-Marked Pearl Platinum, and Blue Fox produced on a ranch in Canada.

(h) “prescribed” means prescribed by the Act or by these Regulations.

2. (a) The following shall be the prescribed colour phases of Standard Silver and White-Marked Silver Fox pelts:

(1) “Dark” means less than 40 per cent of the area of the back of the pelt is covered with silver guard hairs;

(2) “Half Silver” means 40 per cent to 60 per cent of the area of the back of the pelt is covered with silver guard hairs;

(3) “Three Quarter Silver” means over 60 per cent to 80 per cent of the area of the back of the pelt is covered with silver guard hairs;

(4) “Silvery” means over 80 per cent to 95 per cent of the area of the back of the pelt is covered with silver guard hairs;

(5) “Full Silver” means over 95 per cent of the area of the back of the pelt is covered with silver guard hairs.

(b) The following shall be the prescribed grades for Standard Silver Fox (including Alaskan) and White-Marked Silver Fox pelts:

(1) Canada Select:

Pelts of extra good quality, evenly furred, densely silvered (having regard to colour phase) of reasonably clear colour, primeness and character and with only minor weaknesses permitted

Commercial Grades

(2) Canada Grade “A”:

Pelts of good quality, character, and colour, with guard hair and underfur blending.

(3) Canada Grade “B”:

Pelts of average quality and character. They may be slightly off colour.

(4) Canada Grade “C”:

Pelts of fair quality; they may be open, weak furred, somewhat off colour and lacking in character.

(5) Canada Grade “D”:

Pelts of low quality throughout and definitely lacking in character.

(6) Reject:

Pelts of extremely low quality throughout including culls and samsons.

(c) The following shall be the prescribed descriptions and colour phases of Platinum, Pearl Platinum, and White-Marked Pearl Platinum Fox pelts:

(1) Platinum: Pelts of a whitish steel-grey colour with a sparse intermingling of dark hairs, the underfur having a light bluish-grey shade, blending with the guard hairs, giving a rich platinum effect.

Live Stock and Live Stock Products Act—continued

- (2) Pearl Platinum: Pelts of a bluish-grey colour with underfur of the same general colour, and guard hairs having silver characteristics.
- (3) White-Marked Pearl Platinum: Pelts of a bluish-grey colour with white markings on the head or shoulders, with underfur of the same general colour, and guard hairs having silver characteristics.
- (4) The prescribed colour phases for Platinum, Pearl Platinum, and White-Marked Pearl Platinum Fox pelts are Dark, Medium, Light, and Extra Light.
- (d) The following shall be the prescribed grades for Platinum, Pearl Platinum, and White-Marked Pearl Platinum Fox pelts:
 - (1) Canada Select:

Pelts of extra good quality, evenly furred, of reasonably clear colour and character and with only minor weaknesses permitted.

Commercial Grades

- (2) Canada Grade "A":

Pelts of good quality, character and colour, with guard hair and underfur blending in colour.
- (3) Canada Grade "B":

Pelts of average quality and character. They may be slightly off colour.
- (4) Canada Grade "C":

Pelts of fair quality, they may be weak furred, somewhat off colour and lacking in character.
- (5) Canada Grade "D":

Pelts of low quality throughout, and definitely lacking in character.
- (6) Reject:

Pelts of extremely low quality throughout, including culls and samsons.
- (e) The following shall be the prescribed description and colour phases of Blue Fox pelts:
 - (1) Blue Fox: Pelts of a bluish-grey colour with underfur of the same general colour.
 - (2) The prescribed colour phases for Blue Fox pelts are Dark, Medium, Pale, and Extra Pale.
- (f) The following shall be the prescribed grades for Blue Fox pelts:
 - (1) Canada Select:

Pelts of extra good quality, prime, evenly furred, of clear colour and character with good top fur. Complete finish of the pelt shall be given proper consideration.

Commercial Grades

- (2) Canada Grade "A":

Pelts of good quality and character, well furred and of clear colour throughout, with good top fur and reasonably free of rubbed rumps.

Live Stock and Live Stock Products Act—continued

(3) Canada Grade "B":

Pelts of average quality and character, evenly furred and of fairly clear colour.

(4) Canada Grade "C":

Pelts of fair quality. They may be open, weak furred, somewhat off colour, and lacking in character.

(5) Canada Grade "D":

Pelts of low quality and definitely lacking in character.

(6) Reject:

Pelts of extremely low quality throughout.

(g) With the exception of the grades as specified in paragraphs (b) (6), (d) (6), and (f) (1) to (6) hereof, all the grades established by this section shall be classified into the following sizes:

(1) Large: A large pelt shall be 34 inches or more in length.

(2) Medium: A medium pelt shall be at least 30 inches in length.

(3) Small: All pelts that are below medium size.

Measurements:

All pelts shall be measured from the nose to base of tail, and the width should be in proportion to the length. If lengths as prescribed above have been obtained by overstretching, such pelts shall be classed in the size into which they would have been classified had they not been overstretched, and pelts which have been understretched and are densely furred shall be classed in the size into which they would have been classified had they not been understretched.

3. (a) All fox pelts marketed through an auction house or marketing organization shall be graded in accordance with these regulations before they are offered for sale.

(b) All fox pelts purchased by a transient buyer or dealer from a producer shall be graded in accordance with these regulations before they are offered for sale.

(c) Buyers of fox pelts shall identify each lot of producer's pelts when purchased so as to retain the identity until they are graded and a grading certificate issued. Identification shall be by means of a statement showing the date of purchase and the names and addresses of both producer and purchaser.

4. Grading centres may be established by the Department at such points as the Department may from time to time consider necessary.

5. Any person may apply to the Department or to an Inspector for the grading of his pelts. Provided, however, that any person or group of persons having five hundred or more pelts for inspection or grading may apply to the Department or to an Inspector for the inspection or grading of such pelts and the Inspector may, if a suitable place is provided by the applicant at an accessible point, make a special journey for the purpose. Provided, further, that in the city of Montreal pelts will be inspected or graded only in the premises of an auction house, dyers and dressers, or at a central grading station established by the Department, except in the case of any

Live Stock and Live Stock Products Act—continued

person having two hundred or more pelts to be inspected or graded, in which case inspection or grading may be done on any premises which in the opinion of the Inspector are suitable for the purpose.

6. Every pelt taken to a Central Grading Station for inspection or grading shall bear a perforated identification mark by means of which the ownership of the pelt may be readily and positively determined.

7. Inspectors shall mark or cause to be marked all pelts inspected or graded in accordance with these regulations by means of a metal tag passing through the right eye hole and denoting the grade, class and size of such pelt.

8. No person other than an Inspector shall, unless authorized by an Inspector, affix the prescribed grade tag to any pelt.

9. Any person who removes or causes to be removed without the authority of an Inspector any grade tag from any pelt while such pelt is in the raw state, except where necessary during the process of dressing, shall be guilty of an offence under these regulations.

10. A grading certificate in form prescribed by the Minister shall be issued in quadruplicate by the Inspector, one copy shall be delivered to the producer, one copy to the auction house or person making application for inspection or grading, one copy shall be retained by the Inspector and one copy shall be mailed to the Department.

11. Any person handling pelts on consignment or on a pooling basis shall mail or deliver to each producer consigning pelts for marketing, a statement showing the official grading of such of the said producer's pelts as have been graded in accordance with these regulations.

12. All pelts shall be drummed and cleaned before being presented for inspection or grading.

13. Delivery of pelts to or from a grading centre shall be at the expense of the owner, and the Department shall not be responsible for any loss or damage occurring in transit or in a grading centre.

14. Competent assistants shall be provided by the applicants at all places where pelts are to be inspected or graded.

15. No person shall export or cause pelts to be exported, and Collectors of Customs and Postmasters shall not permit the exporting of pelts, unless such pelts have been graded and individually tagged as prescribed by these regulations.

16. No person shall export or cause to be exported and Collectors of Customs and Postmasters shall not permit the exportation to the United States of America of any pelts graded "Reject".

17. Notwithstanding anything contained in these regulations, pelts which do not conform to the colour markings or types described herein shall be graded as to quality and size only, and the grades and sizes prescribed in section 2 (b), (d), (f) and (g) hereof shall apply except insofar as they refer to the uniformity of colour and presence or density of silver.

Live Stock and Live Stock Products Act—continued

18. An Inspector, on the request of any person, may mark for identification by means of a special tag provided for the purpose, any pelt shipped into Canada for processing or otherwise and which is to be returned to the country of origin or re-shipped out of Canada, and may issue a certificate certifying that such pelt is of foreign origin. Before any pelt is so tagged or a certificate issued, the Inspector must have positive knowledge that such pelt is of foreign origin. A charge of ten cents per pelt shall be made for this service.

7. The Frozen Egg Regulations

P.C. 590

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of February, 1949

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of section 34 of The Live Stock and Live Stock Products Act, 1939, 3 George VI, chapter 47, is pleased to order as follows:

1. The Regulations respecting the Grading, Marking and Shipment of Frozen Egg, established by Order in Council P.C. 1237 of 1st April 1947, are hereby revoked; and

2. The attached "Regulations respecting the Grading, Marking, Inspection and Shipment of Frozen Egg" are hereby made and established in substitution for the regulations hereby revoked.

**REGULATIONS RESPECTING THE GRADING, MARKING,
INSPECTION AND SHIPMENT OF FROZEN EGG**

1. These Regulations may be cited as "*The Frozen Egg Regulations*".

Interpretation

2. In these regulations,

- (a) "Act" means the Live Stock and Live Stock Products Act, 1939;
- (b) "frozen egg" includes frozen whole egg, frozen egg yolk and frozen egg whites, with or without added ingredients;
- (c) "frozen egg whites" means the white, or albumen, of egg, separated from the yolk, with or without added ingredients, and frozen;
- (d) "frozen egg yolk" means the yolk of egg, separated from the white, with or without added ingredients, and frozen;
- (e) "frozen whole egg" means liquid egg with yolk and albumen mixed together, with or without added ingredients, and frozen;
- (f) "Minister" means the Minister of Agriculture.

Live Stock and Live Stock Products Act—continued*Canadian Standard Frozen Egg Grades*

3. (1) The Canadian Standard Frozen Egg Grades are Grade A, Grade B and Grade C.

(2) Frozen egg shall be graded into the highest grade for which it qualifies and any frozen egg not so graded shall be deemed not to have been properly graded according to the Canadian Frozen Egg Standards.

4. (1) Frozen egg bearing the designation of a Canadian Standard Frozen Egg Grade shall be produced only from shell eggs which meet the requirements of any grade of the Canadian Standard Egg Grades. Eggs below the minimum grade shall not be used for the production of frozen egg bearing the designation of a Canadian Standard Frozen Egg Grade.

(2) Frozen egg bearing the grade designation "A" shall comply with the following:

- (a) there shall be no evidence of mould or foreign odour;
- (b) it shall be free from foreign matter and, for all practical purposes free from shell;
- (c) it shall be of smooth texture and well emulsified;
- (d) at time of analysis the total viable bacterial count, as determined by the method set forth in Schedule A, shall not exceed 2,500,000 per gram;
- (e) with respect to frozen egg whites, 127 grams subjected to a whipping test by the method set forth in Schedule B, shall give a foam volume of 800 cc.;
- (f) the minimum standards for egg solids, based on the official A.O.A.C. vacuum oven method, shall be as follows:
 - (i) for whole egg, 25·8 per cent
 - (ii) for egg yolk, 43 per cent
 - (iii) for egg whites, 11·5 per cent

(3) Frozen egg which does not meet the requirements for Grade A may be designated as Grade B provided it complies with the following:

- (a) there shall be no evidence of mould or objectionable odour. In the event of uncertainty as to the presence of such objectionable odour the product shall be submitted to bacterial test and shall be considered not to qualify for Grade B if the total viable bacterial count, as determined by the method set forth in Schedule A, exceeds 50,000,000 per gram;
- (b) it shall be free from foreign matter and shall contain not more than one-half of one per cent of shell by weight;
- (c) the minimum standards for egg solids based on the official A.O.A.C. vacuum oven method shall be as follows:
 - (i) for whole egg, 24·5 per cent
 - (ii) for egg yolk, 40 per cent
 - (iii) for egg whites, 10·5 per cent.

(4) Frozen egg which does not meet the requirements for Grade B may be designated as Grade C provided there is no evidence of mould or objectionable odour. In the event of uncertainty as to the presence of such objectionable odour the product shall be submitted to bacterial test and

Live Stock and Live Stock Products Act—continued

shall be considered not to qualify for Grade C if the total viable bacterial count, as determined by the method set forth in Schedule A, exceeds 50,000,000 per gram.

(5) Frozen whole egg, frozen egg yolk and frozen egg whites to which other ingredient or ingredients have been added shall comply with the requirements of this section, except that the percentage of solids shall be on the basis of actual egg meat and in analysing such products for solids allowance shall be made for the percentage of solids in the added ingredients.

5. Any frozen egg which is below the standard for Grade C, and any frozen egg produced from shell eggs classified as "rejects" under the Regulations Respecting the Grading, Packing and Marking of Eggs, shall be deemed to be below the minimum grade and unsuitable for human consumption. The container of such frozen egg shall have applied to it, on the side and on the lid, in indelible letters not less than an inch and one-half in height the words "NOT FOR HUMAN CONSUMPTION".

Canadian Standard Frozen Egg Breaking Premises and Equipment

6. (1) No person shall ship, transport, sell or offer, advertise or hold in possession for sale under a grade name established by these regulations any frozen egg unless such frozen egg has been prepared in a Registered Egg Breaking Station.

(2) The Minister may, upon application therefor, issue a certificate of registration in respect of an egg breaking station if in his opinion such station complies with the following:

- (a) The premises are clean, sanitary, and equipped with adequate ventilation to remove objectionable odour;
- (b) The size and arrangement of the premises or room in which eggs are broken and packed are adequate for properly handling the product;
- (c) The floor, walls and ceiling of the breaking room are constructed in such manner as to permit thorough washing and cleaning;
- (d) The breaking room is to be used only for the purpose during the season when egg breaking is in operation and shall be separated by partitions from rooms used for any other purposes;
- (e) All windows and doors giving access to the breaking room are provided with screens, and doors are equipped with automatic closing devices;
- (f) Washrooms and toilets do not open directly into the breaking room and are equipped with odourless soap and paper hand towels;
- (g) All tables have a smooth metal top of monel metal or stainless steel and are constructed in such a manner as to facilitate efficient cleaning;
- (h) All liquid containers, including cups and buckets, are of an approved type, free from rough soldering, rusted spots, dents, open seams or other defects which make thorough cleaning difficult;
- (i) The breaking room is equipped with at least a three-section tank for washing, rinsing and sterilizing breaking utensils, and preferably with a four-section tank to provide a section for the rinsing of utensils before washing;

Live Stock and Live Stock Products Act—continued

- (j) Proper sanitary equipment is provided for draining utensils after washing which equipment shall be capable of holding, without nesting, all breaking trays, knives, cups and liquid egg pails;
 - (k) All overhead egg conveyors are installed in such a manner as to avoid any contamination of the egg meat;
 - (l) Filters or centrifugal clarifiers of an approved type are provided, through which all egg meats are to pass for the removal of shell and foreign matter; and
 - (m) Proper containers are provided for the disposal of rejected eggs.
- (3) The Minister may, for any cause that to him seems sufficient, refuse to issue a certificate in respect of any station.
- (4) The Minister may cancel a certificate if in his opinion the station does not comply with the requirements of these regulations or if in his opinion the owner or operator of the station has violated or failed to comply with any of the provisions of the Act or of these regulations.
- (5) Every certificate of registration issued under these regulations shall, unless sooner cancelled, expire on the 31st day of December following the date of issue.
- (6) No operator of a Registered Egg Breaking Station shall pack any frozen egg which is not graded, packed and marked in accordance with these regulations.

Canadian Standard Frozen Egg Plant Practice and Sanitation

7. Any person to whom a certificate of registration for a Registered Egg Breaking Premise has been issued shall comply with the following rules:

- (a) Equipment shall be washed by brushing in warm water containing washing compound, rinsed in clear water and immersed in sterilizing solution for at least one minute. A hypochlorite solution with a continuous minimum strength of 100 parts per million, or other approved sterilizing solution of equivalent strength, is to be used as a sterilizing solution;
- (b) Each breaker shall be provided at the breaking table with disposable tissue for wiping hands. Cloth towels shall not be used for this purpose;
- (c) Clean sterilized breaking equipment shall be provided each breaker when operations are commenced, after each recess and whenever an inferior egg is broken;
- (d) Containers of rejected eggs shall be removed at least once every two hours from the breaking room. Such containers shall be washed before they are returned to the breaking room;
- (e) Shell containers shall be of smooth metal construction, and the cleaning and disinfecting of shell containers and the disposal of shells shall be so arranged that at no time do they permit an offensive odour to enter the breaking room;
- (f) At no time shall liquid egg containers be allowed to stand on the floor of the breaking room;
- (g) All breaking room personnel shall wash their hands thoroughly with odourless soap (or the equivalent) and water each time they enter the breaking room and after breaking inedible eggs;

Live Stock and Live Stock Products Act—continued

- (h) No persons known to be afflicted with any infectious, contagious or communicable disease or who are carriers of such diseases shall be permitted to come into contact with egg breaking operations; and
- (i) Liquid egg shall be frozen in clean sanitary premises, free from objectionable odours.

Canadian Standard Frozen Egg Containers

8. (1) Frozen egg shall be marked with the name of a Canadian Standard Grade and when for sale within Canada shall be packed in new, clean metal or paperboard containers.

(2) Frozen egg for export out of Canada shall be packed in such containers and in such a manner as may be prescribed by the Minister.

Canadian Standard Frozen Egg Markings

9. (1) Standard markings on containers of frozen egg shall consist of the following:

- (a) The words "Canadian Frozen Whole Egg" or "Canadian Frozen Egg Yolk" or "Canadian Frozen Egg Whites". These words may be on the lid or on the side of the container;
- (b) When other ingredient or ingredients have been added, the following wording shall appear immediately after the wording specified in paragraph (a)—"With approved percentage of added ...". The ingredient or ingredients added shall be shown after the word "added";
- (c) The word "Grade", followed by the letter of the grade, all to be in one line and all in letters of the same size and not less than three-quarters of an inch high, and on the side of the container;
- (d) The abbreviation "Reg. No." followed by the Registered Number of the premises in which the frozen egg is packed, all to be in one line and all in letters of the same size and not less than one-half of an inch high and on the side of the container; and
- (e) The words "Lot No." followed by a number or numbers to show the day, month and year of production, all in letters of the same size and all in one line.

(2) Markings on containers of frozen egg shall appear prominently on the container and if one or more containers are packed in a master container the markings prescribed shall appear on both inner and outer containers.

(3) The firm or brand name of the firm by which the frozen egg was prepared may appear anywhere on the container excepting only that no wording shall separate the wording prescribed in paragraphs (a) and (b). Such firm or brand name shall not be of a size or arrangement as to obscure the standard markings prescribed in subsection (1).

(4) Any person may indicate on a container of frozen egg a guaranteed minimum solids content, excepting only that such guaranteed figures shall not be lower than the minimum permitted by these regulations for the grade with which the container is marked.

Live Stock and Live Stock Products Act—continued*Sampling and Inspection*

10. (1) At time of freezing or at time of storage an inspector shall select and mark at least one per cent of the containers of each days' production in each registered station.

(2) The containers selected and marked by an inspector as samples shall be stored in such a manner that the inspector may have ready access to them for sampling purposes and shall be kept so stored until the lot is shipped from storage. The sample or samples for each lot shall in all instances be frozen and stored in the same room as the remainder of the containers in that lot.

(3) Not later than one month after the date of being placed in storage, and by arrangement with the processor, the inspector shall draw from each container a sample for purposes of analysis; cores from not more than ten containers shall be combined to make up one composite analytical sample.

(4) At least two composite analytical samples shall be prepared covering each week's production.

(5) Samples of frozen egg shall be tested for solids by an inspector by means of a refractometer, all samples being tested in duplicate. Should the solids be below the standard for the grade marked on the container, the processor may request the inspector to have the sample analysed for solids by the A.O.A.C. vacuum oven method at a laboratory approved by the Minister. The cost of such laboratory analysis shall be borne by the processor.

(6) Should any composite sample representing more than one day's production fall below the minimum standard for the grade under which the product was packed, the inspector shall, at the request of the processor, re-sample each day's production for separate analysis.

(7) Following completion of the analytical report, the District Office of the Poultry Products Inspection Service shall advise the processor of the lot numbers which have passed inspection as being of the grade represented.

(8) Should any lot of frozen egg, on inspection and analysis, be found to be of a lower grade than that designated on the containers, an inspector shall issue to the processor a Notice of Detention covering the lot to be regraded. The actual re-marking of the containers, or other steps to be taken in connection with the lot as set forth in the Notice of Detention, may be delayed until the lot can be conveniently reached in storage, but such lot shall not be shipped, delivered, or otherwise disposed of until Notice of Release has been issued by an inspector.

(9) The processor shall supply weekly to the District Office of the Poultry Products Inspection Service a statement showing;

- (a) The number of containers produced under each lot number during the week;
- (b) The total number of pounds each of frozen whole egg, frozen egg yolks and frozen egg whites produced during the week; and
- (c) The total number of cases of each grade of shell eggs broken during the week.

(10) When a processor desires to ship any quantity of frozen eggs, under certificate, he shall apply to a District Office of the Poultry Products Inspection Service for an inspection certificate, stating in such application the number of containers in each lot number to be included in the shipment.

Live Stock and Live Stock Products Act—continued

(11) If the product to be shipped has been analyzed, found to be of the grade represented, and if the analysis is still valid, the District Office of the Poultry Products Inspection Service shall issue an inspection certificate showing the number of containers of each lot number covered by the certificate. There shall be a charge for each such certificate in an amount to be designated by the Minister.

(12) A certificate of grade issued under these regulations shall confirm only that, on the basis of the sample analysed, the frozen egg is of the grade designated on the container, and shall not be construed as certification that the frozen egg meets any figure of guaranteed solids designated on the container.

11. (1) Frozen egg imported into Canada for domestic consumption shall not be released from Customs until a Certificate of Release has been issued by an inspector.

(2) Any such imported egg shall be directed, under detention, to a Cold Storage warehouse, where a sample shall be drawn by an inspector. On conclusion of the inspection and analysis the inspector shall issue to the importer a statement of inspection and the importer shall cause the container to be marked as follows:

- (a) The words "Imported Frozen Whole Egg", or "Imported Frozen Egg Yolk" or "Imported Frozen Egg Whites", whichever is applicable, in letters not less than three-quarters of an inch high;
- (b) The word "Grade", followed by the letter of the grade, all in letters not less than three-quarters of an inch high; and
- (c) The words "Lot No." followed by a number to be designated by the inspector, all in letters not less than one-half inch high.

(3) When the conditions of the foregoing subsection have been complied with, the inspector shall issue a Notice of Release, which shall authorize the withdrawal of the imported frozen egg from storage.

Detention and Seizure

12. (1) An inspector may detain and place under detention any frozen egg which has been graded, packed, marked, shipped, transported or imported in violation of the Act or of these regulations.

(2) The inspector shall attach to one or more containers in any lot placed under detention, a tag or label, which shall bear the words "Under Detention—Department of Agriculture".

(3) Immediately after placing any frozen egg under detention the inspector shall deliver or mail to the owner of the frozen egg or his agent a duly completed form of Notice of Detention. If such frozen egg is in premises other than those of the owner a copy of the Notice of Detention shall be given to the person in whose premises the frozen egg is located.

(4) The inspector shall designate in the Notice of Detention the premises to which any detained frozen egg shall be taken for correction.

(5) When an inspector is satisfied that any detained frozen egg complies with these regulations he shall issue a duly completed form of Notice of Release. One copy of such notice shall be delivered to the owner or his representative and one copy to the person in possession of the frozen egg.

Live Stock and Live Stock Products Act—continued

(6) Detention tags or labels shall not be removed from any container of frozen egg unless a Notice of Release covering such frozen egg has been issued by an inspector.

Shipment and Transportation

13. No person shall ship or transport, within the meaning of those terms under the Act, any frozen egg unless it is graded, packed and marked in accordance with these regulations and unless it has been prepared in a Registered Egg Breaking Station.

14. No person shall ship or transport any frozen egg below the minimum grade, unless such frozen egg is marked in accordance with the provisions of section 5.

15. No person shall export any frozen egg from Canada unless such frozen egg meets the requirements for Grade A under these regulations and unless it has been inspected and a Certificate of Inspection relative thereto has been issued by an Inspector.

Schedule A*Determination of Plate Count on Frozen Egg*

Thaw the sample by placing the container in water at not over 45° C., and shaking at frequent intervals. When completely thawed, shake vigorously 100 times with up-and-down excursions of about 1 ft. during a 45 second interval. Pipette 11 ml. into a dilution blank containing 99 ml., of physiological saline. Use this 1:10 dilution to prepare further decimal dilutions as required. Prepare duplicate plates from the appropriate dilutions and pour with the standard milk (tryptone glucose extract agar). Incubate at 32°C. for 72 hours. Count all visible colonies. Multiply the average count from plates with between 30 and 300 colonies by the dilution employed and express as the plate count per gram of product.

Schedule B*Determination of Foam Volume—Frozen Egg Whites*

Place 4½ ounces (127.3 grams) defrosted whites in a 5 quart size mechanical mixer. Whip for five minutes at second speed. Add gradually 4½ ounces of icing sugar or pulverized sugar. Whip at same speed for seven minutes. Transfer foam into 1,000 cc. graduated cylinder, and measure.

8. Regulations with respect to Hog Carcass Grading

P.C. 5296

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 18th day of October, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of The Live Stock and Live Stock Products Act, 1939, is pleased to order as follows:

Live Stock and Live Stock Products Act—continued

1. The Regulations with Respect to Hog Carcass Grading established by Order in Council P.C. 4933 of 3rd December, 1947, as amended, are hereby revoked; and

2. The annexed “Regulations with respect to Hog Carcass Grading” are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS WITH RESPECT TO HOG CARCASS GRADING

1. In these regulations,

- (a) “Act” means Live Stock and Live Stock Products Act, 1939;
- (b) “establishment” means any abattoir, packing house or other premises where three thousand or more hogs are slaughtered in any one year;
- (c) “Grading Certificate” means the certificate issued by an inspector under these regulations;
- (d) “packer” means any person who operates an establishment or who causes hogs to be slaughtered for his own account at an establishment;
- (e) “shipper” means any person who, on his own account or as agent for any other person, ships or transports hogs by any means of transportation to an establishment or stockyard for slaughter;
- (f) “Veterinary Inspector” means an inspector under the Meat and Canned Foods Act.

2. All carcasses of hogs slaughtered at an establishment shall be graded in accordance with the following grades:

Standards for Grades of Hog Carcasses

(a) *Weight ranges and carcass measurements.*

(i) <i>Grade “A”</i>		<i>Class 1</i>		
Weight		140 to 170 pounds		
Minimum length		29 inches		
Maximum shoulder fat		2 inches		
Maximum loin fat		1½ inches		
(ii) <i>Grade “B”</i>		<i>Class 1</i>	<i>Class 2</i>	<i>Class 3</i>
Weight	135 pounds or over but not over 175 pounds	125 pounds or over but under 135 pounds	Over 175 pounds but not over 185 pounds	
Minimum Length	28 to 29 inches acc. to weight	27 inches	30 inches	
Maximum Shoulder Fat	2 to 2¾ inches acc. to weight	2 inches	2¾ inches	
Maximum Loin Fat	1½ to 2 inches acc. to weight	1½ inches	2¼ inches	

Live Stock and Live Stock Products Act—continued(iii) *Grade "C"*

Weight —120 pounds or over but not over
185 pounds

Maximum Shoulder Fat— $2\frac{1}{4}$ to $3\frac{1}{4}$ inches
according to Weight

Maximum Loin Fat — $1\frac{3}{4}$ to $2\frac{1}{2}$ inches
according to Weight

(iv) *Grade "D"*

Weight—120 pounds or over but not over 185 pounds, and
under-finished, rough, soft or oily carcasses of any weight.

(v) Lights—weight under 120 pounds.

(vi) Heavies—weight over 185 pounds but not over 195 pounds.

(vii) Extra Heavies—weight over 195 pounds.

(viii) Physical Injury—all weights.

(ix) Ridglings—all weights.

(x) Stags—all weights.

(xi) Sows—Class 1—all weights.

Sows—Class 2—all weights.

(xii) Rejected or condemned carcasses shall be graded in accordance with the above grades, and in addition shall be shown separately on the Grading Certificate as Rejected or Condemned.

(b) *Grade Standards*(i) *Grade "A"*

Grade "A" carcasses shall be of best quality.

Shoulder—Shall be balanced in weight in relation to the ham.

Belly—Thick and of even width throughout, with full flank.

Ham—Full fleshed, evenly covered with fat, of good shape.

Back—Fat firm and of even thickness within variation allowed.

Quality—Fat firm and white with proper balance of fleshing and fat in carcass throughout. Skin shall be smooth and show no marked evidence of dark hair roots or pigment.

(ii) *Grade "B"*

Grade "B" carcasses may vary from Grade "A" in any weight class as follows:

(A) *Class 1 and 3*

Shoulder—Slightly heavy or slightly fat.

Belly—Slightly thin or fat or wide.

Ham—A little thin or slightly fat.

Back—Fat slightly uneven on back or slightly deficient or a little overfat throughout the carcass.

Quality—Fat a little soft or somewhat out of balance between lean or fat.

(B) *Class 2*

Shoulder—Slightly heavy.

Belly —Thin or uneven.

Ham —A little thin.

Back —Fat slightly uneven on back or slightly deficient.

Quality —Fat a little soft.

Live Stock and Live Stock Products Act—continued

(iii) *Grade "C"*

Grade "C" carcasses shall be well finished and of good quality of fleshing, but may vary from Grade "B" by including a greater degree of fat to lean, softness and unevenness of fat, heaviness of shoulder, and roundness of rib.

(iv) *Grade "D"*

Grade "D" carcasses may contain overfat, unfinished, rough, soft or oily carcasses.

(v) *Lights*

The grade Lights shall include all carcasses of reasonable finish and quality within the prescribed weights, but shall not include thin or underfinished carcasses.

(vi) *Heavies*

The grade Heavies shall include all carcasses of reasonable finish and quality within the prescribed weights, but shall not include thin or underfinished carcasses.

(vii) *Extra Heavies*

The grade Extra Heavies shall include all carcasses of reasonable finish and quality within the prescribed weights, but shall not include thin or underfinished carcasses.

(viii) *Physical Injury*

Carcasses that have suffered serious physical damage shall be graded Physical Injury

(ix) *Ridglings*

Carcasses from ridgling pigs shall be graded Ridglings.

(x) *Stags*

Carcasses from boars that have been castrated and healed shall be graded Stags.

(xi) *Sows*

Carcasses of females that have raised one or more litters shall be graded Sows as follows:

(A) Class 1: Carcasses of good fleshing throughout;

(B) Class 2: Carcasses that are overly fat or very thin.

(xii) *Rejected or Condemned*

Carcasses that are rejected or condemned by the Veterinary Inspector on account of disease shall be graded Rejected or Condemned.

(c) *Method of Measurement*

(i) Measurement for the length of the carcass shall be taken from the front edge of the first rib to the inside of the aitch bone;

(ii) Fat measurements shall be taken as follows:

Maximum shoulder—At the point of maximum fat thickness on the shoulder, except for any small fat infiltration into the lean.

Maximum loin—At the point of maximum fat thickness on the loin between the last rib and the tail;

Live Stock and Live Stock Products Act—continued

- (iii) Carcass weights shall be "Warm Weights", including the head, leafard, the tongue, kidneys, tenderloins, tail, backbone and feet; and
- (iv) Whip marks, scratches, and bruises shall not be a factor in determining grade except those graded as serious physical damage.

3. The Minister may assign an inspector to any establishment to grade or inspect the grading of all hog carcasses in accordance with these regulations.

4. An inspector shall sign and issue Grading Certificates with respect to all hog carcasses graded under these Regulations and no person other than an inspector shall sign a Grading Certificate.

5. No person shall use a Grading Certificate as a basis of settlement for hog carcasses other than those in respect of which it was issued.

6. (1) Every shipper shall place a distinct and specific tattoo mark of identity approved by the Minister, on each hog of each producer's lot shipped or transported by the shipper to an establishment.

(2) No person shall ship, transport or deliver to an establishment any hogs that do not carry a tattoo mark of identity approved by the Minister.

7. (1) Every shipper shall make out and sign a manifest on a form prescribed by the Minister showing each producer's name, address, number of hogs and their mark of identity, and shall cause the said manifest to be delivered to the inspector at the establishment at which such hogs are to be slaughtered within twenty-four hours after their arrival.

(2) Every person who ships, transports or delivers to an establishment any hogs shall within twenty-four hours after their arrival at the establishment deliver or cause to be delivered to the inspector at the establishment a manifest by means of which, in conjunction with the mark of identity on the hogs, the name and the address of the producers from whom the hogs were obtained can be identified.

8. Every shipper shall make out or cause to be made out at the time of settlement a statement for each producer's lot of hogs which shall show:

- (a) name and address of the producer;
- (b) date of receipt;
- (c) total number of carcasses;
- (d) number of carcasses in each grade;
- (e) total weight or weight of each grade;
- (f) the price paid per pound for each grade or price differential per carcass for each grade;

and the shipper shall furnish one copy of this statement to the producer, and shall retain one copy thereof for inspection or reference for a period of ninety days.

9. All hogs purchased or sold by a shipper or purchased by a packer shall be purchased and sold on the basis of the grade shown on the Grading Certificate with price differentials between grades; the buyer or seller, as

Live Stock and Live Stock Products Act—continued

the case may be, in accordance with common trade practice, shall make out an invoice or statement for each lot of hog carcasses sold or purchased which invoice or statement shall show:

- (a) name and address of the buyer and seller;
- (b) date of receipt or delivery;
- (c) total number of carcasses;
- (d) number of carcasses in each grade;
- (e) total weight or weight of each grade;
- (f) price paid per pound for each grade or price differential per carcass for each grade.

One copy of such invoice or statement shall be retained for inspection or reference for a period of ninety days.

10. Any hog carcass having thereon a tag marked "hold for grading" shall be held by the owner or operator of the establishment until such tag has been removed by an inspector.

11. No person shall, without the authority of an inspector, remove a "hold for grading" tag from any carcass.

12. Whenever an inspector is of opinion that these regulations have been violated with respect to any hogs in an establishment

- (a) he may place the hogs or carcasses under detention and thereafter no person shall remove the hogs or carcasses from the establishment without the permission of an inspector;
- (b) he may withhold issue of the Grading Certificates in respect of such hogs until he is satisfied that the provisions of these regulations have been observed with respect to those carcasses.

13. Every establishment shall be equipped with proper facilities for the efficient grading of hog carcasses; weighing equipment and weighmasters shall be subject to the approval of the Minister.

14. The owner or operator of every establishment shall provide suitable office accommodation for the exclusive use of inspectors for issuing Grading Certificates, and conducting the required business of the Department of Agriculture.

15. The owner or operator of every establishment shall provide a sufficient number of efficient helpers to assist the inspector in the performance of his duties.

16. The owner or operator of an establishment shall make reasonable arrangements respecting hours of work and other details for the mutual convenience of the establishment and the inspectors.

Live Stock and Live Stock Products Act—continued**9. Regulations respecting the Grading of Canadian Unwashed Fleece Wool**

P.C. 5297

AT THE GOVERNMENT HOUSE AT OTTAWA.

TUESDAY, the 18th day of October, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of The Live Stock and Live Stock Products Act, 1939, is pleased to order as follows:

1. The Regulations respecting the grading of Canadian unwashed fleece wool, established by Order in Council P.C. 807 of 6th March, 1947, as amended, are hereby revoked; and

2. The annexed "Regulations respecting the Grading of Canadian Unwashed Fleece Wool" are hereby made and established in substitution for the regulations hereby revoked.

**REGULATIONS RESPECTING THE GRADING OF CANADIAN
UNWASHED FLEECE WOOL****INTERPRETATION**

1. In these regulations, unless the context otherwise requires,
 - (a) "Act" means the Live Stock and Live Stock Products Act, 1929;
 - (b) "buyer" means a person, other than a wool collector or the operator of a warehouse, who purchases wool from a producer for export;
 - (c) "export" means to ship from Canada or from one province to another;
 - (d) "Minister" means the Minister of Agriculture;
 - (e) "producer" means a person who sells only wool grown on his own farm or ranch;
 - (f) "registered" as applied to a warehouse means a warehouse registered in accordance with these regulations;
 - (g) "warehouse" means any establishment where wool is stored, graded and packed;
 - (h) "wool" means unwashed fleece wool produced in Canada;
 - (i) "wool collector" means a person who on behalf of a registered warehouse or a buyer collects ungraded wool from producers on a commission basis.

GRADING AND EXPORT

2. No person shall grade wool according to the grades established by these regulations except in accordance with and as authorized by these regulations.

Live Stock and Live Stock Products Act—continued

3. No person shall apply a grade name established by these regulations to wool and no person shall sell or offer for sale any wool under a grade name established by these regulations unless such wool was graded in accordance with and as authorized by these regulations.

4. Except as provided in these regulations, no person shall export wool unless it is graded, marked, packed and labelled in accordance with and as authorized by these regulations.

CANADIAN WOOL GRADES

5. The following types, classes and grades of wool are hereby established:

(1) *Types and Classes***A. *Western Range Fleece Wool***

Wool produced under range conditions in the four western provinces of Canada (predominantly fine and $\frac{1}{2}$ blood staple—58s, 60s, 64s and up) and also occasional fine and $\frac{1}{2}$ blood staple fleeces from farm flocks of western Canada. Range fleece wool is subdivided into the following classes:

- (a) *Choice X Wool* that is high yielding, bright and attractive in appearance. It must be well grown, sound, of good combing length, uniform in quality and free from visible earthy matter.
- (b) *Choice Wool* must be well grown and attractive, sound and fairly uniform. Must be comparatively free from earthy matter.
- (c) *Average X Wool* must be generally well grown but may contain some weathered tips and some earthy material. Heavier shrinking and darker in appearance than Choice.
- (d) *Average Dark* looking and heavy or very badly weathered and wasty. Usually contains a considerable amount of sand and dust.

B. *Western Domestic Fleece Wool*

Wool produced under farm conditions in Western Canada (predominantly $\frac{3}{8}$ blood staple and $\frac{1}{4}$ blood staple). Western Domestic fleece wool is subdivided into the following classes:

- (a) *Bright*: Fleeces that are well grown with good colour and very light shrinking.
- (b) *Semi-bright*: Fleeces that are average in character, rather dingy in appearance and carrying slightly more organic matter.
- (c) *Dark*: Fleeces that are dark coloured and quite heavy with sand or any other foreign material. Also includes wools that are badly "timber stained" or fleeces that are brashy and wasty.

C. *Eastern Domestic Fleece Wool*

Wool produced in Ontario, Quebec and the Maritime provinces. In general this type is fairly bright in appearance and strong in staple although there is considerable variability in length of staple and other characteristics because of the number of breeds of sheep represented.

Because of this variation in characteristics and staple lengths in Eastern domestic wools, it is possible to make a number of selections within a grade. Subject to the approval of an inspector, it will be permissible for warehouse operators to make these special selections to meet manufacturers' requirements.

Live Stock and Live Stock Products Act—continued**(2) Grades**

The following grades shall apply to the various types and classes of wool:

Fine staple (64s, 70s and up)
 Fine clothing
 Fine Medium Staple ($\frac{1}{2}$ blood staple; 58s—60s)
 Fine Medium Clothing ($\frac{1}{2}$ blood clothing)
 Medium Staple ($\frac{3}{8}$ blood staple; 56s)
 Medium Clothing ($\frac{3}{8}$ blood clothing)
 Low Medium Staple ($\frac{1}{4}$ blood staple; 48s—50s)
 Low Staple (Low $\frac{1}{4}$ blood staple; 44s—46s)
 Coarse (Braid; 36s—40s)
 Grey and Black;
 Fine
 Medium
 Coarse
 Karakul

Defective Grades:

Defective grades comprise wool which shows faults or defects which impair its value for manufacturing purposes. Some of these defective wools may be subdivided into two or three grades according to fineness of staple or degree of defectiveness. The more common defective grades include the following:

Dead—Fine
 Medium
 Murrain
 Chaffy and Burry
 Light—Fine
 Medium
 Heavy—Fine
 Medium
 Cotts—Soft
 Hard
 Tags—Fine
 Medium
 Damaged
 Kempy
 Sweepings

COLLECTION OF UNGRADED WOOL

6. (1) Every buyer or wool collector and every operator of a registered warehouse who collects or takes delivery of ungraded wool from a producer
- (a) shall not pay more than eighty per centum of the estimated market value of the wool at the time of collection or delivery or before the wool has been graded in accordance with and as authorized by these regulations;
 - (b) shall identify each parcel of each lot of wool received by him as to ownership thereof and until the same is graded shall maintain such identification during the time the wool is in his possession;

Live Stock and Live Stock Products Act—continued

- (c) shall make out or cause to be made out and signed at the time of collection or receipt a legible statement in triplicate showing:
- (i) name and address of person collecting or receiving wool;
 - (ii) name or registration number of warehouse to which the wool is to be delivered;
 - (iii) name and address of producer;
 - (iv) date of collection or receipt;
 - (v) number of parcels in each lot;
 - (vi) lot number if lots are so identified;
 - (vii) approximate gross weight of lot;
 - (viii) amount of advance payment, if any;
 - (ix) signature of person collecting or receiving wool;
 - (x) signature of producer.

(2) The original copy of a statement made out pursuant to this section shall be given to the producer, one copy shall be given to or retained by the warehouse operator and one copy shall be retained by the collector or buyer, if any; every person receiving such copy shall retain the same in his possession for a period of at least six months.

SHIPMENT OF UNGRADED WOOL

7. (1) A wool collector or buyer licensed by the Minister under this section, and a producer, may ship ungraded wool from one province to another if it is consigned to a registered warehouse.

(2) The Minister may issue licences to wool collectors and buyers in such form and for such period as the Minister may prescribe, authorizing the shipment of ungraded wool from one province to another.

(3) The Minister may cancel or suspend any licence issued by him under this section for any cause that to him appears sufficient.

8. Every wool collector or buyer who collects or receives ungraded wool shall without undue delay forward or deliver such wool to a registered warehouse.

GRADING AND SETTLEMENT

9. Wool may be graded in accordance with the grades established by these regulations in a registered warehouse or such other place as the Minister may authorize.

10. (1) Every operator of a registered warehouse shall complete a wool grading statement in a form prescribed by the Minister with respect to each lot of wool received by him.

(2) Every such grading statement shall be signed by an inspector and shall be sent or delivered by the operator of the registered warehouse to the producer of the wool in respect of which the grading statement was issued unless such wool was received by the registered warehouse from a buyer who did not obtain the wool from the producer on behalf of the warehouse, in which case the statement shall be sent or delivered to such buyer.

(3) Every buyer who received a grading statement pursuant to this section shall forward the same to the producer.

Live Stock and Live Stock Products Act—continued

11. (1) The operator of a registered warehouse shall send or deliver to each producer to whom he is required to send or deliver a grading statement, a final settlement statement for each lot of wool purchased, together with payment of the balance due.

(2) Such settlement statement shall show

- (a) name and address of producer;
- (b) name and address of collector, if any, and purchaser;
- (c) name and number of warehouse in which wool was graded;
- (d) weight of wool in each grade;
- (e) price per pound paid for each grade;
- (f) amount of
 - (i) cash advance paid, if any,
 - (ii) full payment;
- (g) date of settlement.

(3) The operator of a registered warehouse shall send or deliver to each buyer to whom he is required to send or deliver a grading statement, a final settlement statement for each lot of wool purchased, which statement shall show

- (a) name and address of buyer;
- (b) name of warehouse purchasing the wool;
- (c) weight of wool in each grade in the shipment;
- (d) price per pound paid for each grade;
- (e) date of settlement.

(4) The settlement weight for all lots of wool graded in a warehouse shall be the net receiving weight on a Government tested scale in the warehouse in which the wool was graded.

12. Every buyer shall give or forward to the producer within fourteen days of the date of receipt of a grading statement from a warehouse, such grading statement and a settlement statement in accordance with subsection two of section eleven of these regulations and full or final payment for each lot of wool purchased.

13. A legible copy of each settlement statement issued by the operator of a registered warehouse or by a buyer shall be retained by him for a period of one year and shall be produced to an inspector for his inspection or reference whenever the inspector so requires.

REGISTRATION AND OPERATION OF WAREHOUSES

14. An application for a certificate of registration shall be made to the Director of Marketing Service, Ottawa.

15. Unless sooner cancelled a registration certificate for a warehouse shall remain in force until the thirty-first day of December next following the day of issue.

16. A certificate of registration shall apply only to one warehouse.

17. A certificate of registration for a warehouse may be issued if the Minister is satisfied that the warehouse has adequate capacity for the grading, handling and storing of at least fifty thousand pounds of wool at one time and that it has adequate facilities and equipment for the proper

Live Stock and Live Stock Products Act—continued

grading, handling and packing of all wool received; every warehouse in respect of which a certificate of registration is issued shall be assigned a registration number.

18. An applicant for registration shall furnish evidence satisfactory to the Minister that all wool received in his warehouse can be properly classed and graded in accordance with the standards prescribed in these regulations and every applicant for registration shall furnish the Minister with the names of the employees designated as wool graders and such employees may be required to pass written, oral or practical tests set by the Minister before they can qualify as wool graders.

19. The Minister may cancel a certificate of registration if in his opinion the operator of the warehouse has contravened any of the provisions of the Act or of these regulations.

20. The operator of a registered warehouse shall forward the names and addresses of all his wool collectors and buyers to the Department at the beginning of each wool season and subsequently throughout the season as agreements with new collectors or buyers are made.

21. Every operator of a registered warehouse shall provide at each warehouse suitable facilities and equipment for the proper grading, identification, storing and inspection of all wool received by him.

22. A warehouse operator shall provide a sufficient number of helpers to assist an inspector in the performance of his duties.

23. A warehouse operator shall not accept delivery of any wool from a wool collector or buyer unless it has been collected in accordance with section six of these regulations.

24. The wool grading statement required under section ten of these regulations shall be prepared in quadruplicate; the original of the grading statement shall be delivered to the producer or buyer as required by subsection two of the said section ten, one copy shall be retained by the warehouse, one copy shall be retained by the inspector and the remaining copy shall go to the buyer, if any, from whom the warehouse obtained the wool.

25. If a lot of wool is delivered to a warehouse directly by a producer this fact shall be indicated on the grading statements for the lot concerned; in the case of a lot of wool received at a warehouse through the agency of a wool collector or buyer the name and address of such collector or buyer shall be inscribed on the grading statement for the lot concerned.

26. All lots of ungraded wool received at a warehouse shall be graded within four months of date of receipt and grading statements for all lots graded shall be available to inspectors within seven days of date of grading.

27. Grading statements for all lots of wool graded at a warehouse for the account of a buyer shall be forwarded to said buyer by the warehouse operator within fourteen days of a date of grading; settlement statements and full or final payments for all lots of wool purchased by a warehouse operator in any calendar year shall all be issued by March thirty-first of the following year.

28. A warehouse operator shall not release any graded wool from a warehouse before such wool has been inspected and approved by an inspector.

Live Stock and Live Stock Products Act—continued

29. Sacks or bales of graded wool shall be stencilled in a legible and indelible manner at time of packing to show the class, grade, sack or bale number, registration number of the warehouse and also the words "Product of Canada" in block letters not less than two inches in height; the gross weight shall also be marked on each sack or bale when wool is shipped from a warehouse.

30. No person, unless authorized by an inspector shall at any time, change, delete, or add to any mark required to be placed on a wool sack or bale.

31. The operator of a registered warehouse when packing wool for export shall use only sacks or bales of the size, quality and weight of material as the Minister may prescribe.

32. (1) When any person desires to purchase specially selected wool from any class or grade in any warehouse he may, with the approval of the owner and with the authority of an inspector, open sacks or bales of wool of the particular class or grade and remove the selected wool; if such wool is to be exported it shall be repacked and re-marked as required by sections twenty-nine and thirty-one of these regulations and the sacks or bales marked with the additional letters "S.S." (special selection).

(2) All wool remaining over in any warehouse after any special selection has been made shall, if it is to be shipped or transported, be repacked and re-marked as required by sections twenty-nine and thirty-one of these regulations and marked with the additional letters "R.S.S." (remainder after special selection).

33. Except for the purpose of taking samples or as permitted under section thirty-two of these regulations no person, other than an inspector or an authorized purchaser, shall open any sack or bale in which graded wool has been packed nor remove any wool therefrom.

34. The operator of a registered warehouse shall keep such records or receipts, purchase, inventories and sales of wool as the Minister may prescribe and shall furnish to the Director of Marketing Service, Department of Agriculture, such reports on operations as the Director may require.

WOOLLEN MILLS

35. A manufacturer of woollen goods may grade wool according to the grades established by these regulations or apply such grade name to wool, if the wool is used by him for purposes only of manufacturing in his own mill.

EXPORT FROM CANADA

36. A Collector of Customs before permitting any wool to be exported from Canada, shall satisfy himself that the wool has been graded, packed and marked in accordance with and as authorized by these regulations.

37. Each shipment of wool for export from Canada shall be accompanied by an export certificate, in triplicate, in a form prescribed by the Minister, and signed by an inspector; all copies thereof shall be attached to the Export Entry Form B13 and shall be forwarded to the Collector of Customs at the port of exit; one copy shall be retained at the port of exit, one copy shall accompany the Department of National Revenue copy of the Export Entry Form and the third copy shall be forwarded to the Director of Marketing Service, Department of Agriculture, Ottawa.

Live Stock and Live Stock Products Act—continued

DETENTION

38. (1) An inspector may place under detention any wool by means of or in relation to which he reasonably believes an offence against these regulations has been committed.

(2) The inspector shall attach to each lot of wool under detention a numbered detention tag which shall bear the words "Under Detention—Department of Agriculture" together with a brief description of such lot, the date and the inspector's signature.

(3) Immediately after placing any wool under detention the inspector shall deliver or mail to the owner of the wool or his agent a completed form of "Notice of Detention"; if the detained wool is in premises other than of the owner a copy of the "Notice of Detention" shall be given to the person in whose premises the wool is located.

(4) When an inspector is satisfied that the owner of the detained wool has complied with the regulations he may issue a completed form of "Notice of Release"; one copy of such "Notice of Release" shall be delivered or mailed to the owner of the wool or his agent.

(5) No person other than an inspector shall remove, alter, deface or destroy a detention tag attached to any lot of wool pursuant to this section and, except as authorized by an inspector, no person shall move any lot of wool to which a detention tag is attached pursuant to this section.

EXEMPTION

39. These regulations do not apply to wool that is delivered or consigned to a manufacturer of woollen goods to be carded or otherwise processed for the domestic use of the person delivering or consigning the wool.

10. Regulations respecting the Grading of Veal Carcasses

P.C. 4856

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 11th day of October, 1950.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the provisions of The Live Stock and Live Stock Products Act, 1939, is pleased to make the annexed Regulations respecting the Grading of Veal Carcasses, and the said regulations are hereby made and established accordingly.

REGULATIONS RESPECTING THE GRADING OF VEAL CARCASSES

1. In these regulations,

(a) "carcass" means a veal carcass;

(b) "establishment" means any abattoir, packing house, or other premises in which calves are slaughtered.

Live Stock and Live Stock Products Act—continued

- (c) "veal carcass" means the carcass from a young bovine animal, of either sex, which has been dressed as veal, that is to say, the skin has been left on at the time of slaughter and the backbone has not been scribed;

Definitions of Grades

2. The prescribed grades for veal carcasses are as follows:

Grade A—Choice:

Carcasses shall have excellent conformation, finish and quality; a blocky compact appearance which shall be more pronounced in the heavier weights; fleshing shall be thick throughout, in proportion to carcass weight; rounds shall be full, the loin plump, the shoulders and breasts broad and thick, the neck short and full, and the shanks short and thick.

Exterior fat shall range from a fairly thick covering over the backs and loins of the heavier carcasses to proportionately less on the lighter weights. There shall be fairly large deposits of interior fats, which shall be white, creamy white, or tinged with pink; the flesh shall be firm and fine grained, and may range from a light grey to a reddish brown colour; the bones shall be soft and reddish.

Grade B—Good:

Carcasses shall have good conformation, finish and quality, being somewhat blocky and compact in appearance, particularly in the heavier weights; fleshing shall be moderately thick throughout, especially the loins and rounds.

Exterior fat covering shall range from a light covering over the back and loins of the heavier carcasses to a very thin covering on the light carcasses.

The interior fat shall range from moderate deposits in the heavier carcasses to small deposits in the lighter ones. The fat shall be creamy white, the flesh moderately firm and fine grained and the colour may range from a pinkish brown to a pale red. The bones shall be moderately soft and red.

Grade C—Commercial:

Carcasses shall have fair conformation, finish and quality, may be slightly rough and rangy, and somewhat narrow throughout; some deficiency in plumpness with some tendency toward depressions and hollows.

There may be very thin small patches of fat over the back and loin and very small deposits of interior fat; bones may be slightly large in proportion to the carcass and may be slightly lacking in redness.

Grade D—Utility:

Carcasses shall have poor conformation, finish and quality; very rough and rangy, narrow and shallow in relation to length, very deficient in fleshing, low proportion of meat to bone throughout, with pronounced hollows and depressions; very little or no outside fat, there may be extremely small deposits of inside fat; flesh may be coarse grained, soft and moist; bones may be large and lacking in redness.

Live Stock and Live Stock Products Act—continued

Grade M—Manufacturing:

Carcasses shall have extremely poor conformation, finish and quality; extremely rough and rangy, narrow and shallow; no exterior fat covering and very little or no interior fat; flesh may be coarse and watery. This grade shall include those carcasses below Grade D quality.

3. The grades established by these regulations apply to carcasses either with skin off or skin on at time of grading.

4. Where grading facilities are available at an establishment, carcasses may, at the option of the buyer and the seller, be graded by an inspector in accordance with the prescribed grades.

5. (1) Nothing in these regulations shall be construed to require carcasses to be graded.

(2) Every inspector who grades carcasses shall grade such carcasses in accordance with these regulations.

(3) No person shall sell or offer, advertise or hold in possession for sale any carcasses under a grade name established by these regulations unless the carcasses were graded in accordance with these regulations.

(4) No person shall by means of a brand or otherwise, apply to any carcasses that were not graded in accordance with these regulations, and no person shall use in association with such carcasses any grade name or other designation so closely resembling a grade name established by these regulations that it is likely to be mistaken therefor.

11. Hatchery Regulations

P.C. 4536

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 28th day of November, 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the powers conferred by section forty-five of The Live Stock and Live Stock Products Act, 1939, is pleased to order as follows:

1. The Regulations respecting the Improvement of Poultry and the Production and Sale of Chicks, established by Order in Council P.C. 5826 of 17th December 1948, are hereby revoked; and

2. The annexed "Regulations respecting the Improvement of Poultry and the Production and Sale of Chicks" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING THE IMPROVEMENT OF POULTRY AND THE
PRODUCTION AND SALE OF CHICKS

Short Title

1. These regulations may be cited as the *Hatchery Regulations*.

Live Stock and Live Stock Products Act—continued*Interpretation*

2. In these regulations, unless the context otherwise requires;
- (a) "Act" means The Live Stock and Live Stock Products Act, 1939;
 - (b) "agent" or "broker" means a person, other than a hatchery operator, who sells chicks or receives consignments of chicks for resale or distribution;
 - (c) "approved flock" means a flock of poultry intended for breeding purposes, the birds in which have been inspected, approved and banded under a flock approval policy approved by the Minister;
 - (d) "baby chicks" means chicks that have never been fed;
 - (e) "breeder hatchery" means a hatchery wherein are hatched eggs produced on an operator's premises only, or eggs of the same grade purchased from another breeder for the improvement of the operators' flock, but does not include a hatchery engaged exclusively in custom hatching;
 - (f) "Canada Accredited flock" means an approved flock that complies with the requirements for a "Canada Accredited flock" as set forth in these regulations;
 - (g) "Canada Accredited hatchery" means a registered hatchery that complies with the requirements for a "Canada Accredited hatchery" as set forth in these regulations;
 - (h) "Certificate of Registration" means a permit issued by the Minister to operate a hatchery under these regulations;
 - (i) "chicks" means poultry one month old or less, and includes turkey poults;
 - (j) "commercial hatchery" means a hatchery the operator of which purchases and incubates eggs produced by approved flock owners;
 - (k) "cross bred chicks" means chicks that are the product of a mating of two breeds or varieties of poultry;
 - (l) "custom hatching" means the hatching of eggs by a hatchery operator for payment where the eggs are not owned by the operator;
 - (m) "disinfectant" means any preparation approved by the Minister for the maintenance of sanitary control;
 - (n) "District Officer" means the officer of the Department of Agriculture of Canada in charge of the administration of these regulations in the province in which he is located;
 - (o) "flock" means all poultry on the premises of the owner;
 - (p) "flock approval policy" means a policy approved by the Minister for the improvement of poultry and the eradication of disease;
 - (q) "hatchery approval policy" means a policy approved by the Minister for the identification of hatcheries that conduct their operations in the manner prescribed by these regulations;
 - (r) "hatching eggs" means eggs used for the production of chicks;
 - (s) "hatchery" means any place, building or premises equipped with an incubator capacity of one thousand or more eggs and used for incubation purposes;

Live Stock and Live Stock Products Act—continued

- (t) "inspector" means an officer appointed or designated as such under the Act;
- (u) "label" means any mark approved by the Minister to designate the various grades established by these regulations;
- (v) "Minister" means the Minister of Agriculture;
- (w) "progeny tested" means Record of Performance poultry that have met the requirements for progeny testing;
- (x) "pullorum-tested" means tested for pullorum disease in a manner approved by the Minister;
- (y) "reactor" means a bird that shows a positive reaction indicating the presence of pullorum disease when pullorum tested;
- (z) "registered hatchery" means a hatchery to which a permit to operate under these regulations has been issued;
- (aa) "sexed chicks" means chicks the sex of which has been determined by physical examination;
- (bb) "sexer" means any person who determines the sex of chicks by physical examination; and
- (cc) "started chicks" means chicks that have been fed.

PART I

RECORD OF PERFORMANCE POLICY

3. (1) The Canadian policy approved from time to time by the Minister for the testing and improving of poultry breeding stock shall be known as "Record of Performance policy" and "Record of Performance" may be referred to as "R.O.P."

(2) The Minister may prescribe the fees to be charged for entries under the Record of Performance policy; remittances in payment of fees shall be made payable to the Receiver General of Canada.

4. For the purposes of the Record of Performance policy and these regulations,

- (a) "R.O.P. breeder" means a person who operates under the R.O.P. policy;
- (b) "R.O.P. male" means a male bird that has qualified under the R.O.P. policy;
- (c) "R.O.P. hatchery" means a hatchery operated by an R.O.P. breeder or a group of R.O.P. breeders;
- (d) "R.O.P. breeder hatchery" means a hatchery operated by an R.O.P. breeder when all eggs incubated are from his own flock or from flocks of his own breeding; and
- (e) "R.O.P. hen" means a female that has qualified under the R.O.P. policy.

PART II

HATCHERY APPROVAL POLICY

Application

5. This Part applies in every province in which the Dominion Hatchery Approval Policy has been proclaimed in force pursuant to section forty-six of the Act, and applies to any person in any province to whom registration to operate a hatchery under these regulations has been issued as hereinafter provided.

Live Stock and Live Stock Products Act—continued*Canadian Standard Grades*

6. For the purpose of the Canadian standard grades established by these regulations the expression “chicks” does not include “poults”.

7. (1) The Canadian standard grades for hatching eggs produced under these regulations are as follows:

A. GRADES*Breeders Classifications*

- (i) The grade “Canadian R.O.P. Pedigreed Hatching Eggs” may be applied to eggs produced by an R.O.P. breeder on his own premises from certified R.O.P. hens qualified to produce such eggs when mated to an R.O.P. pedigreed male or a male eligible under the R.O.P. policy for such matings.
- (ii) The grade “Canadian R.O.P. Hatching Eggs” may be applied to eggs produced by an R.O.P. breeder on his own premises from birds of R.O.P. breeding approved for the purpose when mated exclusively to R.O.P. individually pedigreed males or males eligible under the R.O.P. Policy for such matings.

Commercial Classifications

- (iii) The grade “Canadian R.O.P. Bred Hatching Eggs” may be applied to eggs produced by an R.O.P. breeder or an approved flock owner on his own premises from matings of R.O.P. females with R.O.P. pedigreed males exclusively.
- (iv) The Grade “Canadian R.O.P. Sired Hatching Eggs” may be applied to eggs produced by an R.O.P. breeder or an approved flock owner on his own premises from a mating of females of an approved flock and R.O.P. pedigreed males exclusively.
- (v) The grade “Canadian Approved Hatching Eggs” may be applied to eggs produced by an R.O.P. breeder or an approved flock owner on his own premises from a mating of approved females and approved males.
- (vi) Turkey hatching eggs shall be classified in the following grades only: Canadian R.O.P. Pedigreed, Canadian R.O.P. Sired and Canadian Approved, provided that they are produced in accordance with the above requirements for these grades.

B. SPECIFICATIONS

- (i) Hatching eggs intended for the production of chicks in registered hatcheries shall, at the time of setting, weigh twenty-four ounces or more per dozen in tray lots, and no egg set shall weigh less than at the rate of twenty-three ounces per dozen.
- (ii) Hatching eggs intended for the production of turkey poults in registered hatcheries, except in the case of custom hatching, shall at the time of setting weigh at least thirty ounces per dozen in tray lots.
- (iii) All hatching eggs set in registered hatcheries shall be clean, sound and typical of the breed in shape and colour according to the “American Standard of Perfection”.

8. The Canadian standard grades for chicks and poults produced under these regulations are as follows:

Live Stock and Live Stock Products Act—continued

A. GRADES

Breeders Classifications

- (i) The grade "Canadian R.O.P. Pedigreed Chicks or Poults" may be applied to chicks or poults produced by an R.O.P. breeder on his own premises from Canadian R.O.P. pedigreed hatching eggs; all such chicks or poults shall carry a numbered wing band bearing the letters "R.O.P." and male birds from this grade only are eligible for banding as R.O.P. at maturity.
- (ii) The grade "Canadian R.O.P. Female Chicks" may be applied to chicks produced by an R.O.P. breeder on his own premises from Canadian R.O.P. hatching eggs; all such chicks shall carry a wing band bearing the inscription "R.O.P. Female"; male birds from Canadian R.O.P. hatching eggs are not eligible for banding as R.O.P. at maturity.

Commercial Classifications

- (iii) The grade "Canadian R.O.P. Bred Chicks" may be applied to chicks produced in a registered hatchery from Canadian R.O.P. bred hatching eggs.
- (iv) The Grade "Canadian R.O.P. Sired Chicks or Poults" may be applied to chicks or poults produced in a registered hatchery from Canadian R.O.P. sired hatching eggs.
- (v) The grade "Canadian Approved Chicks or Poults" may be applied to chicks or poults produced in a registered hatchery from Canadian Approved hatching eggs.

B. SPECIFICATIONS

- (i) Baby chicks intended to be classified in any of the above grades shall, within twenty-four hours after hatching, weigh at least eight pounds net per hundred chicks and shall be vigorous, healthy, uniform in size and true to breed, type and colour.
- (ii) Turkey poults intended to be classed in any of the above grades shall, within twenty-four hours after hatching, weigh at least ten pounds net per hundred or six pounds per sixty at the time of boxing and shall be vigorous, healthy, uniform in size and true to breed, type and colour.

9. (1) An R.O.P. breeder may advertise or offer for sale hatching eggs, chicks or poults from various matings from approved flocks.

(2) When the operator of a registered hatchery uses hatching eggs from matings within the same breed or variety other than "R.O.P. Females" mated to "R.O.P. Pedigreed Males", he may, for such period of time as the Minister may approve, advertise or offer for sale "Canadian R.O.P. Bred Chicks" and/or "Canadian R.O.P. Sired Chicks" in that breed or variety, provided that R.O.P. pedigreed males only are used to head the flocks.

(3) When the operator of a registered hatchery uses hatching eggs from matings within the same breed or variety, headed by other than R.O.P. pedigreed males he may, for such period of time as the Minister may approve, advertise or offer for sale "Canadian R.O.P. Sired Chicks or Poults" and /or "Canadian Approved Chicks or Poults" within that breed as follows:

Live Stock and Live Stock Products Act—continued

- (a) "Canadian R.O.P. Sired Chicks" shall be advertised or offered for sale only from the flocks headed by R.O.P. pedigreed males exclusively;
- (b) "Canadian Approved Chicks" shall be advertised or offered for sale from the flocks not headed by R.O.P. pedigreed males exclusively;

when at least fifty per centum, or such other percentage as the Minister may prescribe, of the breeding females from which hatching eggs are drawn are in flocks headed by R.O.P. pedigreed males exclusively.

Hatching Premises and Equipment

10. Chicks of Canadian standard grades may be hatched, packed and grade marked in accordance with the Dominion Hatchery Approval Policy in those premises only for which a certificate of registration as a registered hatchery has been issued.

11. No person, other than a producer who does not offer chicks for sale, shall operate a hatchery in any province in which the Dominion Poultry Improvement Plan has been proclaimed by the Governor in Council, unless such hatchery has been registered under these regulations.

12. (1) Every person desiring to operate a hatchery under these regulations shall apply annually to the District Officer for his province on a form provided for that purpose, for a certificate of registration for each such premises to be operated as a registered hatchery; such application shall be made at least one month in advance of the date that it is desired that the certificate shall be effective.

(2) Certificates of registration of a registered hatchery expire on December 31st of each year.

13. Certificates of registration of a registered hatchery are not assignable.

14. Certificates of registration for a registered hatchery shall be granted only

- (a) where the premises are suitably constructed so as to provide adequate space for receiving and traying eggs, incubation, and the grading, sexing and packing of chicks; wherever possible, each of the above operations shall be carried on in a separate room;
- (b) where the premises are clean, free from dust and adequately ventilated and lighted, and all doors and windows securely fitted with screens to prevent insect contamination;
- (c) where the floors, walls and ceiling are constructed of a hard finish and washable material that can be readily cleaned and disinfected;
- (d) where the incubators are clean and in a suitable state of repair to deliver the standard of heat, humidity and air circulation recommended by the manufacturer; and
- (e) where suitable equipment for weighing eggs and chicks is provided.

Refusal, Suspension and Revocation of Permits

15. The Minister may at any time suspend or revoke or refuse to renew the permit of any operator who in the operation of his hatchery has, in the opinion of the Minister, contravened any provision of the Act or regulations thereunder.

Live Stock and Live Stock Products Act—continued

16. (1) The Minister may, before or after suspending, revoking or refusing a permit, refer to a Board of Arbitration for consideration the circumstances of any case in which suspension, revocation or refusal would appeal to be or to have been warranted.

(2) The Board of Arbitration shall consist of three members, one to be appointed by the Minister, one to be appointed by the applicant for or holder of the permit, and these two members shall appoint a third member.

(3) The Board of Arbitration shall inquire into all the circumstances of the case, and shall make its recommendation with respect thereto to the Minister.

(4) The Board shall have all the powers of a commissioner under Part I of the Inquiries Act.

17. The Minister may refuse a permit for a period of one year to any operator who has been convicted of an offence under Part III of the Act or who has otherwise contravened any provision of the Act or regulations thereunder.

Selling Agencies and Brokers

18. (1) Graded chicks sold by an operator to another operator of a registered hatchery or an agent may be resold as graded chicks.

(2) Every operator shall before and during his hatching season keep the District Officer informed of the names and addresses of any persons acting as his agents or brokers.

(3) Agents or other persons selling chicks for their own account or for the operator of a registered hatchery shall keep accurate records available at all times for inspection by an inspector, and such records shall show in detail and by grades all sales and purchases of chicks.

(4) Where the operator of a registered hatchery advertises or sells chicks from that hatchery under more than one name, the name or names other than that under which he is registered shall, for the purpose of these regulations, be considered to be an agent or agents of that registered hatchery.

19. Every person desiring to make a complaint with respect to chicks purchased or delivered by him shall make the complaint to the District Officer within fifteen days of the purchase or delivery.

Operation

20. The operator of a registered hatchery shall operate the hatchery in accordance with the following requirements:

(a) All chicks hatched or purchased for resale shall conform to the Canadian Standard chick grades;

(b) When buying eggs for incubation or for resale, or when accepting eggs for custom hatching, the operator shall buy, sell or accept the production only of approved flocks;

(c) An operator purchasing hatching eggs from outside the province in which the hatchery is located shall, before accepting eggs from these flocks, supply evidence satisfactory to the District Officer that the flocks from which the eggs originated are approved flocks;

Live Stock and Live Stock Products Act—continued

- (d) Prior to the commencement of his hatching operations in any hatching season the operator shall furnish to the District Officer a statement in writing showing the flock owners from whom he intends to purchase hatching eggs and the grade of hatching eggs produced by each flock; amendments to this statement shall be furnished by the operator from time to time as names are added or deleted or breeding pens are rearranged;
- (e) No operator shall accept hatching eggs unless they are packed in clean packing material and clean egg cases and unless the approved flock or registered hatchery from which the eggs originated is clearly identified inside the case or on the outside thereof;
- (f) Every operator shall for each lot of eggs purchased from an approved flock owner for hatching or accepted for custom hatching, obtain a statement in writing from the flock owner showing the date of shipment, the name and address of the flock owner, the quantity and grade of eggs and the breed; these statements shall be signed by the flock owner and shall be retained by the hatchery operator for a period of at least sixty days and shall be available during that time for examination by an inspector;
- (g) An operator selling hatching eggs or having eggs custom hatched shall sell or furnish eggs from an approved flock only, and shall supply to the purchaser or person who is to do the custom hatching a statement for each lot of eggs showing the quantity, breed and grade, and shall maintain in his hatchery a record showing from whom the eggs were purchased; eggs so sold or furnished shall be recorded by the operator in the manner in which eggs purchased by him direct from flock owners for incubation in his own hatchery would be recorded;
- (h) The operator shall maintain a bookkeeping system satisfactory to the District Officer which shall clearly show:
 - (i) all egg purchases and sales;
 - (ii) the results of hatching or custom hatching showing accurately the number of eggs set and chicks hatched;
 - (iii) chick purchases and sales by grades;
 - (iv) the disposal of surplus chicks;
 - (v) the particulars of all advertising.
- (i) The operator shall maintain such additional records as may be required from time to time by the Minister, and these records shall at all times be available to an inspector;
- (j) The operator shall submit to the Minister such reports in such form as the Minister may from time to time require;
- (k) Proofs in triplicate of catalogues, circulars, advertisements and all other publicity material intended to be used by an operator or an agent or broker shall be submitted before publication to the District Officer for approval, together with a list of the publications in which the advertisements will appear; advertising matter approved once may be used for the remainder of the current season, provided that there is no change in the status of operation of the hatchery concerned; no changes of any kind shall be made in such advertising except as regards prices; advertising shall be true and correct in all details and shall not contain any statement derogatory to any other operator or class of operator; all advertising matter in catalogues and circulars that carries a reference

Live Stock and Live Stock Products Act—continued

to anything other than chicks shall contain the following statement in reasonably prominent type: "All statements in this advertisement have received Government approval only in so far as they refer to baby chicks";

- (l) All chicks hatched by a registered hatchery operator shall be sold under their proper Canadian standard grade names as established by these regulations, and all display advertising or advertising where prices are specified shall show the Canadian standard grade names prominently;
- (m) An operator may when selling or advertising chicks, in conjunction with the grade name established by these regulations, use any sub-grade name or brand name if such sub-grade name or brand name or explanation accompanying such sub-grade name or brand name is descriptive of established inherent characteristics of economic value to poultry production; in the event that the District Officer refuses approval of advertising material containing such sub-grade names the Minister may at the request of the operator refer the matter to the Board of Arbitration established by these regulations and the Board shall inquire into the matter and make its recommendation to the Minister;
- (n) When sexed chicks are advertised or offered for sale, the percentage of accuracy of the sexing shall be stated and guaranteed;
- (o) No owner or operator of a registered hatchery shall have any business connection with or use his name or his firm's name in connection with any hatchery operating otherwise than as a registered hatchery.

Packing and Marking

21.(1) Each registered hatchery shall be allotted a number and each box of chicks packed by or shipped from that hatchery shall bear the abbreviation REG. NO. followed by the number allotted to that hatchery, all in black block letters at least one-quarter inch high.

(2) Each box of chicks packed or shipped by a registered hatchery shall be marked with the proper grade name in black block letters at least one-half inch high.

(3) The grade name followed by the registered number of the hatchery shall be printed in a panel measuring one and one-quarter by five inches either across the left end or in the upper left corner of the shipping tag attached to each box of chicks; the colour of the panel for each of the various grades of chicks shall be as follows:

R.O.P. Chicks	Purple
R.O.P. Bred Chicks	Red
R.O.P. Sired Chicks	Blue
Approved Chicks	Yellow

(4) No person operating a hatchery shall use a registered number other than the number assigned to his hatchery.

(5) Chicks that are hatched and graded according to Canadian standards may be packed only in clean strong boxes made of at least

Live Stock and Live Stock Products Act—continued

seventy-pound weight paper, constructed to afford proper ventilation and of a type approved by the Minister; new chick pads shall be used in each box section.

(6) Where two or more registered hatcheries are operated by one owner or operator each such hatchery shall be given a registered number for use by that hatchery exclusively.

Brooding

22. (1) Where brooding of chicks is necessary either because of a surplus or as a started chick business, such brooding operation shall be conducted in separate premises except in the case of a temporary surplus of less than one thousand chicks; separate brooding premises shall provide:

- (a) cubical air space of approximately .75 of a cubic foot for each chick less than two weeks old;
- (b) a complete change of air in the brooding room at least five times per hour in a manner that will insure freedom from drafts;
- (c) a relative humidity of 65-75 per cent;
- (d) where the brooding premises are adjacent to an incubator room, the exhaust from the brooding room shall discharge into the open atmosphere; in no case shall the air from the brooder room be returned to the incubation room;
- (e) the floors, walls and ceilings of the brooding room shall be of a hard finish and washable material that can be readily washed and disinfected;
- (f) doors, windows and ventilator chutes shall be screened.

(2) Where more than one grade of started chicks are brooded in the same room and no satisfactory record system for grade identification is maintained, the chicks shall be sold as for the lowest grade.

Sanitation

23. (1) Incubators shall be clean and sanitary and in good working order.

(2) All trays shall be kept clean at all times and hatcher trays shall be dipped in an approved disinfectant and scrubbed between settings.

(3) After each hatch the incubator floors shall be wet-swept and disinfected with an approved disinfectant, and all parts of the incubator that are likely to be contaminated shall be subjected to approved methods of cleaning and fumigation.

(4) Garments used by all persons engaged or employed in or about the hatchery to protect their clothing or person shall be clean.

(5) The operator shall continuously supply to sexers clean working equipment and facilities for hand scrubbing which shall be frequently used by the sexers.

(6) Refuse from each hatch shall be promptly removed from the hatchery and shall be disposed of by soaking in an approved disinfectant in the required strength, by burning or other approved method; in no case shall such refuse be disposed of where it may be, directly or indirectly, accessible to domestic or any other birds.

Live Stock and Live Stock Products Act—continued

(7) Refuse containers shall be thoroughly cleaned after the refuse from each hatch is removed; this may be accomplished by the use of water under pressure, by the use of a blow torch or by thoroughly scouring with an approved disinfectant.

(8) In the event of an outbreak or suspected outbreak of any contagious or infectious disease the hatchery operator shall immediately report such outbreak to the District Officer, and shall comply with all instructions issued through him for the purpose of controlling such outbreak.

(9) At the completion of the hatching season the entire premises and equipment shall be thoroughly cleaned and disinfected within thirty days in a manner satisfactory to the inspector.

Detention

24. (1) Where, chicks are placed under detention an inspector shall attach to one box in each lot a numbered detention tag on which appear the words "Under Detention—Department of Agriculture", together with a brief description of such lot, the reason for detention, the date and the inspector's signature.

(2) Immediately after placing any chicks under detention the inspector shall deliver or mail to the owner of the chicks or his agent a duly completed form of "Notice of Detention"; if such chicks are in premises other than those of the owner a copy of the "Notice of Detention" shall be given to the person in whose premises the chicks are found.

(3) The inspector shall designate in the "Notice of Detention" whether the chicks are to be returned to the shipper or are to be directed to other premises in order that there may be compliance with the provisions of these regulations.

(4) When an inspector is satisfied that the grading, packing, marking, shipping or transporting of detained chicks comply with these regulations, he may issue a duly completed form "Notice of Release"; one copy of such "Notice of Release" shall be delivered to the owner or his representative and one copy to the person in possession of the chicks.

(5) Detention tags shall not be removed from any chicks by anyone other than an inspector.

Canada Accredited Hatcheries

25. (1) An operator in possession of a permit to operate a registered hatchery may apply to the Minister for a Certificate of Accreditation to operate a Canada Accredited hatchery.

(2) The Minister may issue a Certificate of Accreditation to the operator of a registered hatchery if the Minister is satisfied that the hatchery will be operated in accordance with the requirements of these regulations respecting Canada Accredited hatcheries.

(3) Whenever in the opinion of the Minister the operator of a Canada Accredited hatchery has contravened any of these regulations the Minister may suspend or revoke his certificate.

Live Stock and Live Stock Products Act—continued

(4) Every Certificate of Accreditation to operate a Canada Accredited hatchery, unless sooner suspended or revoked under these regulations, shall remain in force until the thirty-first day of December next after the date of issue.

26. Every operator of a Canada Accredited hatchery shall operate the hatchery in accordance with the following requirements:

- (a) in buying eggs for incubation or accepting eggs for custom hatching the operator shall accept hatching eggs from Canada Accredited flocks only or from flocks determined by the Minister to be of equal standing;
- (b) attendants of a Canada Accredited hatchery shall have no contact with any other incubators, eggs or chicks;
- (c) egg cases used for holding and transporting eggs from a Canada Accredited hatchery shall be kept separate and used for that purpose only and such shipment shall be identified with the name and address of the Canada Accredited flock owner from whose stock they originated; wherever possible, egg cases and other equipment used for holding or transporting such eggs shall be gassed frequently;
- (d) no sexing shall be conducted in a Canada Accredited hatchery except by a resident sexer or by a sexer specially authorized by the Minister;
- (e) chicks shall be shipped direct from one Canada Accredited hatchery to another or direct to the final purchaser without any resorting or repacking en route;
- (f) chicks from a Canada Accredited hatchery shall be shipped in unused chick boxes only that have been assembled and stored in such hatchery;
- (g) chicks from a Canada Accredited hatchery being held for sale shall, wherever possible, be brooded by a Canada Accredited hatchery in quarters isolated from the rest of the hatchery and shall be attended, if possible, by an attendant other than the attendant handling hatching eggs or day-old chicks.

PART III**FLOCK APPROVAL POLICY**

27. (1) Flocks may qualify as approved flocks and as sources of supply of eggs for incubation in a registered hatchery in accordance with the following requirements:

- (a) stock of standard varieties only may be included in approved flocks except in provinces where first cross pullets are eligible for approval under a provincial flock approval policy;
- (b) before a flock may qualify as an approved flock the sanitary conditions of the buildings and premises shall be satisfactory to the inspector;
- (c) every bird in an approved flock shall be passed upon and banded by the inspector;
- (d) no birds shall be banded unless they are sufficiently mature at time of inspection to ensure full and mature growth by December first preceding that hatching season;

Live Stock and Live Stock Products Act—continued

- (e) all rejected birds shall have their tails clipped or be identified in some other satisfactory manner and shall, in a manner satisfactory to the inspector, be removed from the premises or segregated without mating; if upon subsequent inspection it is found that such birds have not been removed or segregated as required, the flock shall cease to qualify as an approved flock;
- (f) flocks entered under the R.O.P. policy shall qualify as approved flocks without further inspection or banding;
- (g) all domestic birds with the exception of water fowl on poultry plants on which the entire flock or a portion thereof is submitted for approval shall, when sufficiently mature, be tested annually for pullorum disease in a manner and with antigen or antigens approved by the Minister; any approved flock entrant undertaking unofficial pullorum testing shall report the date and results of each test to the official testing agency in the province;
- (h) all reactors to any pullorum test shall be removed from the premises within seven days and sold only for slaughter;
- (i) the basis of approval of a flock in so far as pullorum testing is concerned shall be governed by the flock approval policy of the province in which such a flock is located, if such flock approval policy is operated in conjunction with these regulations, or by the flock approval policy administered by the Department of Agriculture of Canada, where no recognized provincial policy is in effect;
- (j) approved flocks may be subject to such further inspection and to such tests for disease as may, from time to time, be considered advisable by the Minister;
- (k) whenever it is found that an approved flock owner has not complied with the requirements of this section the approval of that flock may be cancelled and he may be denied flock approval privileges for a period of two years.

(2) As used in this section "inspector" means any inspector appointed under the authority of any Federal or provincial law for the purposes of a flock approval policy.

Canada Accredited Flocks

28. An approved flock may qualify as a Canada Accredited flock in accordance with the following requirements:

- (a) a Canada Accredited flock, to attain initial status as such, shall pass two consecutive official clean tests for pullorum disease during a period of not less than six months nor more than eighteen months; the antigen or antigens used for such testing shall be approved by the Minister;
- (b) a Canada Accredited flock may also be established when found to be free from pullorum disease on one official test, if the flock owner submits evidence establishing that the flock originated as baby chicks hatched from Canada Accredited hatching eggs in a Canada Accredited hatchery, and was subsequently maintained on premises on which no other poultry were kept or which, if previously used for this purpose, had been cleaned and disinfected;

Live Stock and Live Stock Products Act—continued

- (c) when reactors are found in a flock the status of that flock as a Canada Accredited flock shall be cancelled unless in the opinion of the person conducting the test the reactors are of a non-specific nature, in which case such status shall be suspended and the suspected birds shall be segregated, if possible, and retested after thirty days; if the suspected birds cannot be segregated, the entire flock shall be re-tested after thirty days; if the retest does not reveal reactors the suspension shall be lifted;
- (d) when a flock loses its status as a Canada Accredited flock it shall, in order to again qualify, comply with all the requirements for a Canada Accredited flock;
- (e) no hatching eggs, chicks or growing stock shall be taken into a Canada Accredited flock except from another flock of the same standing or a Canada Accredited hatchery;
- (f) adult stock may be brought in from a Canada Accredited flock, or from any other flock where the incidence of infection is less than one per centum, if such stock shows a clean test for pullorum disease on the premises of the seller, is kept in isolation for a period of forty-two days on the premises of the buyer, and is re-tested with negative results at the end of the period of isolation before being placed with the Canada Accredited flock;
- (g) birds removed for any purpose from the premises of a Canada Accredited flock shall, on return to those premises, be isolated for sixty days and pass a negative test for pullorum disease before re-entering the flock;
- (h) in the event of an outbreak or suspected outbreak of any contagious or infectious disease the flock owner shall immediately report such outbreak to the District Officer; the owner shall comply with all instructions issued by the Department of Agriculture of Canada for the control of such outbreak;
- (i) a Canada Accredited flock shall be subject to unannounced inspections throughout the season by an inspector of either the Federal or Provincial Poultry Services as may be deemed advisable.

29. A certificate of accreditation may be issued in respect of an approved flock that qualifies as a Canada Accredited flock under these regulations but such certificate shall be valid only so long as that flock so qualifies.

PART IV**PENALTIES**

30. Every person who contravenes any provision of Part III of the Act or any provision of these regulations shall be liable to the penalties provided therefor in the Act.

Live Stock and Live Stock Products Act—continued

12. Regulations re grading, packing and marking of eggs

P.C. 1954-1970

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 16th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the Live Stock and Live Stock Products Act, is pleased to order as follows:

1. The Regulations respecting the grading, packing and marking of eggs, established by Order in Council P.C. 5294 of 18th October, 1949, as amended are hereby revoked; and

2. The annexed "Regulations respecting the grading, packing and marking of eggs" are hereby made and established in substitution for the regulations hereby revoked.

**REGULATIONS RESPECTING THE GRADING, PACKING
AND MARKING OF EGGS**

Under the Live Stock and Live Stock Product Act

Interpretation

1. In these regulations

- (a) "Act" means the Live Stock and Live Stock Product Act;
- (b) "box" means a container made to contain fifteen dozen eggs;
- (c) "carton" means a container made to contain one dozen or one-half dozen eggs;
- (d) "case" means a container made to contain thirty dozen eggs;
- (e) "delivery" means the physical transfer of eggs from one premises to another premises, whether or not any change in the ownership of the eggs is involved;
- (f) "Department" means the Department of Agriculture;
- (g) "eggs" means eggs of the domestic hen in the shell, excepting only those intended for incubation;
- (h) "first receiver" means any person other than a registered egg grading station who purchases or receives on consignment or on account, ungraded eggs from producers;
- (i) "floating air cell" means an air cell which has no fixed position in the egg as a result of the inner shell membrane having been ruptured;
- (j) "graded eggs" means eggs in containers which are marked with the name of a Canadian Standard Egg Grade;
- (k) "grass egg" means an egg in which the yoke shows a green or olive colour on candling;

Live Stock and Live Stock Products Act—continued

- (l) "label" means a card or paper fully covering the end of an egg case or box;
- (m) "printed" means printed by use of the printing process;
- (n) "producer" means a person who ships, transports or sells only eggs produced on his own farm;
- (o) "reject" means an egg below the minimum grade;
- (p) "retailer" means any person who offers, has in possession for sale or sells eggs to a consumer;
- (q) "ship" or "shipping" means the overt act of any person leading to the movement, by common carrier or other means of public conveyance, of any eggs from or to a point outside the province in which he carries on business;
- (r) "tag" means a card or paper not fully covering the end of an egg case or box;
- (s) "transport" or "transporting" means the overt act of any person leading to the movement, otherwise than by shipping, of any eggs from or to a point outside the province in which he carries on business;
- (t) "ungraded eggs" means eggs in containers which are not marked with the name of a Canadian Standard Egg Grade;
- (u) "wholesaler" means any person who sells eggs to a retailer, or to any restaurant, hospital, hotel, boardinghouse, bakery, logging, mining or construction camp, transportation company or other organization for its use in baking or cooking or for serving to inmates, guests, patrons or employees; or who sells eggs for conversion into frozen or dried eggs or other egg product.

PART I—Canadian Egg Standards

2. (1) The Canadian Egg Standards are based upon the requirements of the Act and regulations and when they are applied to eggs shipped, transported, offered or had in possession for sale, purchased or sold, compliance with the regulations shall be obligatory with respect to

- (a) grades;
- (b) grading premises and equipment;
- (c) packing materials;
- (d) grade markings.

(2) The name of a Canadian Standard Egg Grade applied on any container of eggs shall constitute a representation that the eggs therein have been graded, packed and marked in accordance with the Canadian Egg Standards.

Canadian Standard Egg Grades

3. (1) The Canadian Standard Egg Grades shall comprise compulsory and optional grades as follows:

<i>Compulsory Grades</i>	<i>Optional Grades</i>
Grade A Large Size	Grade A Extra Large Size
Grade A Medium Size	Grade A Small Size
Grade B	Grade A Peewee Size
Grade C	Grade A1 Extra Large Size
Cracks	Grade A1 Large Size
	Grade A1 Medium Size
	Grade A1 Small Size

Live Stock and Live Stock Products Act—continued

(2) Each egg shall be placed in the highest compulsory or corresponding optional grade for which it qualifies and any egg not so placed shall be deemed not to have been properly graded according to the Canadian Egg Standards.

(3) In grading eggs, consideration shall be given to the three following factors:

- (a) quality factor, as determined by candling;
- (b) weight factor;
- (c) shell factor, as determined by degree of cleanness and by soundness and construction of shell.

4. (1) All eggs bearing the grade designation "A" shall comply with the following specifications:

- (a) quality factor—yolk outline indistinct; yolk round in shape and reasonably centred, showing no germ development or readily visible defects or abnormal conditions; air cell shall not exceed $\frac{3}{16}$ inch in depth; floating air cells, blood spots and meat spots are not permitted.
- (b) shell factor—shell shall be unbroken and practically normal in shape; slightly ridged or rough areas or slightly misshapen shells are permitted, but definitely misshapen heavily ridged or thin shells prohibited; the shell shall be clean, but may show three stain spots, none of which shall exceed an area of $\frac{1}{8} \times \frac{1}{16}$ inches.
- (c) weight factor—Grade A Extra Large Size shall weigh individually at the rate of 27 ounces per dozen or over.

Grade A Large Size shall weigh individually at the rate of 24 ounces per dozen or over.

Grade A Medium Size shall weigh individually at the rate of 21 ounces per dozen and up to but not including 24 ounces per dozen.

Grade A Small Size shall weight individually at the rate of 18 ounces per dozen and up to but not including 21 ounces per dozen.

Grade A Peewee Size shall weigh individually at the rate of less than 18 ounces per dozen.

(2) All eggs bearing the grade designation "B" shall comply with the following specifications:

- (a) quality factor—yolk outline may be visible; yolk may be moderately, but not definitely, oblong in shape; yolk position is not a determining factor for this grade providing the yolk floats freely within the egg when twirled; yolk may show definite spots or areas on its surface, but only slight indication of germ development; air cell shall not exceed $\frac{3}{8}$ inches in depth and floating air cells are permitted; blood spots and meat spots are not permitted.
- (b) shell factor—shell shall be unbroken; may show definite ridges or rough areas, but no pronounced thin spots; shell may show reasonably prominent stains or spots providing they do not seriously detract from the appearance of the egg.
- (c) weight factor—Grade B eggs shall weigh individually at the rate of 21 ounces per dozen or over.

(3) All eggs bearing the grade designation "C" shall comply with the following specifications:

Live Stock and Live Stock Products Act—continued

- (a) quality factor—yolk outline may be distinctly visible and the yolk definitely oblong in shape, but it shall not adhere to the shell membrane nor shall the yolk membrane be broken; no maximum air cell size; moderate grass yolks, definitely pronounced germ spots, floating air cells, meat spots and blood spots shall not disqualify eggs for this grade.
- (b) shell factor—shell shall be unbroken, but may be irregular in construction and may be dirty or stained.
- (c) weight factor—no minimum or maximum weight.
- (4) Grade “Cracks” shall include eggs otherwise eligible for any of the Canadian Standard Grades, but the shells of which show one or more cracks or breaks.

5. (1) Grade A1 eggs shall be graded, packed and marked only by producers approved by the Department or by co-operative associations or marketing groups authorized by the Department to perform that function for approved producers, and only provided that:

- (a) poultry houses and yards are clean and sanitary and yards fenced;
- (b) no male birds are kept in pens supplying Grade A1 eggs, before or after the breeding season;
- (c) only grain feeds, plus recognized supplementary feeds in the mash, are fed;
- (d) producers have adequate facilities for cooling eggs;
- (e) the producer satisfies the Department that the eggs will go to the consumer in the original sealed packages and that the method of marketing is satisfactory to the Department;
- (f) if the eggs are graded, packed and marketed by a co-operative association or marketing group, such association or group operate a registered egg grading station.

(2) Authorizations by the Department to producers, co-operative associations or marketing groups to grade, pack and mark Grade A1 eggs may be withdrawn on violation of any of the requirements of this section.

(3) All eggs bearing the grade designation “A1” shall comply with the following specifications:

- (a) quality factor—yolk shadow indistinct, small and round in shape, maintaining position in central part of egg; air cell shall not exceed $\frac{1}{8}$ inch in depth; mottled or grass yolks, visible germ spots, floating air cells or meat spots shall disqualify eggs for this grade;
- (b) shell factor—shell shall be clean, unbroken and normal in shape;
- (c) weight factor—Grade A1 Large Size eggs shall weigh individually at the rate of not less than 24 ounces per dozen.

Grade A1 Medium Size eggs shall weigh individually at the rate of not less than 21 ounces per dozen and up to but not including 24 ounces per dozen.

Grade A1 Small Size eggs shall weigh individually at the rate of not less than 18 ounces per dozen and up to but not including 21 ounces per dozen.

Live Stock and Live Stock Products Act—continued

6. All eggs which are not eligible to be graded into the compulsory or optional grades or which show any abnormal or prohibited condition, matter or discoloration, or a musty odour or which have been in an incubator or which contain any of the following defects, seen in candling:

Blood clot—a streak or clot of blood on the yolk or in the albumen;

Bloody egg—an egg through the contents of which blood is diffused;

Blood ring—an egg showing a ring of blood on the yolk;

Mixed or red rot—an egg in which the yolk sac is ruptured sufficiently to permit the yolk to mix with the albumen;

Spot rot—an egg in which a mold spot or spots is apparent beneath the shell or along cracks in the shell;

Black rot—an egg which appears solidly black;

White rot—an egg in which the yolk is covered with a light coloured crust, the albumen watery and usually possessing a putrid odour;

Sour rot—an egg of which the contents when broken out have a sour odour; indications of these eggs, as seen in candling, are a bubbly condition at the air cell line, and extremely prominent yolk; they give a dull, hollow sound when clicked against other eggs;

Stuck yolk—an egg in which the yolk membrane is adhering to the shell in such a manner that it cannot be freed by normal twirling in course of candling;

shall be below the minimum grade and classed as "Rejects".

7. (1) No person shall buy or receive, ship or transport any eggs below the minimum grade, unless he is in possession of a permit issued by the Department.

(2) No person shall sell, ship or deliver any eggs below the minimum grade to any person not in possession of a permit.

8. Applications for a permit to buy eggs below the minimum grade shall be made to the Department, stating the premises where they are to be received, the territory from which they will be received or transported and the use for which they are intended.

9. (1) Holders of a permit to buy eggs below the minimum grade shall furnish to the Department monthly a statement showing the receipts and disposition of such eggs, and shall retain for a period of ninety days for the perusal of an inspector such documents and other records as may be required by the Department.

(2) Persons selling, shipping or delivering eggs below the minimum grade shall retain records of all such sales for a period of ninety days for the perusal of an inspector.

10. Containers in which eggs below the minimum grade are shipped or transported shall be marked on both ends with the word "REJECTS" in letters at least three-quarters of an inch high.

11. All eggs eligible for the Canadian Standard Egg Grades that are smaller in size or lower in the quality factor or shell factor than the grade marked on the container shall be considered to be undergrades.

Live Stock and Live Stock Products Act—continued

12. At point of grading or inspection eggs shall be considered to be misbranded if they contain more than eight undergrade eggs in fifteen dozen, and at any point other than that of grading or inspection if they contain more than twelve undergrade eggs in fifteen dozen, except that

- (a) eggs which are, for size or for shell soiling, not more than one grade below that marked shall be counted as undergrades only to the extent that they are each in excess of four in fifteen dozen; and
- (b) cracked eggs only in excess of six in fifteen dozen shall be counted as undergrades after delivery.

13. (1) With respect to the quality factor, the seller shall be deemed to have misbranded any eggs which, within thirty-six hours after delivery by him, are found to be below the grade stated on the container at the time of delivery and, with respect to the factors of weight and appearance, he shall be deemed to have misbranded any eggs which are found, within seven days after delivery by him, to be below the grade stated on the container at time of delivery.

(2) After the expiration of the period specified in subsection (1) the responsibility for eggs found to be below the grade designated on the container shall rest on the person in whose possession such eggs are found.

Grading Premises and Equipment

14. Eggs may be graded, packed and marked in accordance with the Canadian Egg Standards only in premises with respect to which a certificate of registration as a registered egg grading station has been issued by the Minister; provided that a certificate of registration shall not be required of a producer.

15. (1) Every person desiring to operate premises for the grading, packing and marking of eggs in accordance with the Canadian Egg Standards, shall apply annually to a District Office of the Poultry Products Inspection Service, on a form provided for that purpose, for a certificate of registration of each of such premises as a registered egg grading station; such application shall be made one month in advance of the date when it is desired that the certificate shall be effective.

(2) Certificates of registration of registered egg grading stations shall expire on the thirty-first day of December of each year.

16. Certificates of registration of registered egg grading stations are not assignable.

17. Certificates of registration for registered egg grading stations shall be granted only when:

- (a) the premises are clean, sanitary and free from odour;
- (b) the grading, packing and marking of eggs are done in a room entirely separate from any other pursuit or occupation of the operator, and in a room which has no physical connection or communicating passage with any general retail store business or with any premises used for the warehousing or holding of hides or furs or of any other product which is not conducive to the proper handling of eggs;
- (c) the size and arrangement of the premises or room in which eggs are to be graded, packed and marked is adequate for properly handling the product;

Live Stock and Live Stock Products Act—continued

- (d) the room in which eggs are to be graded is constructed so as to exclude outside light to permit efficient candling;
- (e) the grading room is equipped with approved candling appliances and, unless an egg weighing machine is employed, with an approved scale for each grader;
- (f) the grading bench, shelf, candling appliance and scale are so arranged as to make efficient and accurate grading possible;
- (g) the grading of eggs is done only by or under the direct supervision of graders approved by the Department and only in accordance with the Canadian Egg Standards;
- (h) the premises in which eggs are to be handled before, during and after grading at no time attain a temperature higher than sixty-seven degrees fahrenheit;
- (i) the egg room is equipped with a tested thermometer and, preferably, with a wet and dry bulk hygrometer to permit of both temperature and humidity readings;
- (j) the grading station premises or the building in which they are located, if there is an inside connection between the egg premises and the rest of the building, have a convenient public entrance; and
- (k) rooms are provided, separate to that used for grading, for the receiving of eggs and for the holding of eggs after grading.

18. (1) Each registered egg grading station shall be allotted a number and each case or box of eggs packed at that station shall bear the wording "REG. No." followed by the number allotted to that station, all in letters at least one-quarter of an inch high; this wording shall appear below the grade name on the tag or label, if such are used, or below the grade name on the case and shall be applied in the same manner as the grade markings.

(2) The original registered number shall remain on or attached to a case or box of eggs only so long as the contents have not been removed or regraded; when the eggs in any case or box are removed or regraded, the original registered number shall be removed from such case or box.

19. Responsibility for eggs which do not conform to the grade represented shall, when the eggs are examined after delivery, be determined by the provisions of section 13 rather than by the registered number appearing on the case or box.

20. When cases or boxes of graded eggs are identified with a grader's number, such number shall appear on the upper right hand corner of the tag or label, if such are used, or at the right of the top cleat on the end of the case or box on which the grade name appears.

Canadian Standard Packing Material for Eggs

21. Cases, fillers and flats used in packing eggs according to the Canadian Egg Standards, shall comply with the following specifications:

(a) **Wooden Cases—**

Inside dimensions—24" long x $11\frac{5}{8}$ " wide x $12\frac{1}{2}$ " high.

Ends— $12\frac{1}{2}$ " high x $11\frac{5}{8}$ " wide x $\frac{7}{16}$ " thick, dressed on outside. The ends shall be made of not more than three pieces, without openings between them and with the grain of the wood vertical. Sections made up of Lindermann joints shall be considered as one piece for ends and centre division only.

Live Stock and Live Stock Products Act—continued

Horizontal cleats, across top and bottom of each end— 12" long x $1\frac{3}{4}$ " high x $\frac{3}{8}$ " thick, dressed on outside. The cleats shall extend across the full width of each end.

Centre divisions— $11\frac{3}{8}$ " wide x $12\frac{1}{2}$ " high x $\frac{7}{16}$ " thick. They shall be made of not more than three pieces and shall be tongued and grooved or fastened with corrugated fasteners. The grain shall be horizontal.

Sides— $24\frac{7}{8}$ " long x $\frac{1}{4}$ " thick, in two or three pieces. If three pieces are used each piece shall be not less than $3\frac{7}{8}$ " wide. If two pieces are used each piece shall be not less than $5\frac{7}{8}$ " wide.

Tops and bottoms— $25\frac{5}{8}$ " long x $\frac{1}{4}$ " thick, in one, two or three pieces. If three pieces are used, each piece shall be not less than $3\frac{7}{8}$ " wide. If two pieces are used each piece shall be not less than $5\frac{7}{8}$ " wide. If one piece is used it shall be not less than 12" wide. It is recommended that tops form a single unit, i.e. that the boards making up the top be fastened together by a cleat at each end.

The ends and centre divisions shall be made of one-inch lumber, dressed two sides and re-sawn, two pieces to the inch. The sides, top and bottom shall be made of one-inch lumber, dressed two sides and re-sawn, three pieces to the inch.

The above specifications may be departed from only to make a case of greater inside depth than $12\frac{1}{2}$ ", or to use lumber thicker than $\frac{1}{4}$ " for sides, top and bottom, or thicker than $\frac{7}{16}$ " for ends and centre divisions, and to increase other dimensions accordingly.

The sides and bottom shall be nailed to the centre partition and to the ends or cleats with $1\frac{1}{4}$ " fifteen gauge cement coated box nails, with six nails per nailing edge. The top shall be nailed to the ends with $1\frac{1}{2}$ " fourteen gauge uncoated nails with six nails per nailing edge, except that when unitized at least three nails shall be used. The cleats shall be nailed to the ends with six one-clinch nails or clinch staples, staggered.

Wooden cases shall be made of well seasoned wood with not more than fifteen per cent moisture content. The wood shall be sound, live and bright with no rot, bark or doze. No knot shall be greater in diameter than one-third of the width of that part. Cases shall be made of merchantable grade spruce, or an equivalent grade of white pine, basswood, poplar, western hemlock or cottonwood.

(b) Wooden boxes—

Wooden boxes shall comply in full with the above specifications, excepting only with respect to the necessary reduction in length and the elimination of the centre partition.

(c) Paperboard cases or boxes for domestic use—

Paperboard cases or boxes may be used as a standard package for the shipment of eggs within Canada providing test figures for resistance (bursting test), dimension limit and gross weight limit are stamped on an outer surface, and providing that such test figures comply with the specifications of the Express Traffic Association. When paperboard cases or boxes are used the word "EGGS" in letters at least one inch high shall appear on the same side or end as the grade markings.

Live Stock and Live Stock Products Act—continued

(d) Fillers and flats—

Fillers and flats shall be made of groundwood or solid pulp fibre of medium finish. For domestic use within Canada the board in the fillers shall be not less than .022 inches thick, the flats not less than .025 inches thick and $11\frac{1}{4}$ inches square. For export use the board in the fillers shall be not less than .025 inches thick, and moulded flats or trays shall be used.

(e) Grade A Extra Large Size eggs shall be packed in fillers with openings not less than $2-15/32$ inches square and $1-26/32$ inches high and in cases of an appropriate size.

22. (1) Grade A Eggs shall be packed only in new cases with new fillers, flats and pads, or in the equivalent thereof with respect to cleanliness and soundness of construction. Grade B and Grade C eggs may be packed in used cases with used fillers, flats and pads for shipment within Canada provided that such cases, fillers, flats and pads are sound, with no parts missing or broken, clean and in good condition. Eggs for shipment out of Canada shall be packed only in new cases and shall be wired at both ends.

(2) An egg case shall not be deemed to be clean if all marks applying to previous contents, including grade designation, registration, number, government mark and grader's number, have not been smoothly removed.

23. Excelsior pads shall be placed below the first filler and on top of the last filler in each case or box, except that where moulded flats or trays are used they may replace the excelsior pads.

Canadian Standard Grade Markings for Eggs

24. The Canadian standard grade markings for containers of eggs shall be as follows:

(a) grade markings on cases to be shipped or transported within Canada shall appear on at least one end, and on boxes on at least one side, and shall be either printed on a tag or label, or shall be printed, stamped or stencilled on the case or box. The registered egg grading station number shall also be shown in the manner prescribed in section 18;

(b) tags shall be at least three inches high and five inches long; the colour of tags for the various grades shall be as follows:

Grade A Large Size—Red

Grade A Medium Size—Green

Grade A Small Size—White

Grade B—Blue

Grade C—Yellow;

the lettering on tags shall be in black;

tags shall be placed in the centre of the end and shall be fastened to the case or box either by adhesive material or by two tacks or staples, one at each end of the tag;

(c) the grade markings on cases or boxes for export shall appear on at least one end and shall be either printed on a label or printed, stamped or stencilled on the case or box; the words "Canadian Eggs" also shall appear on such cases or boxes in the manner prescribed in section 30;

Live Stock and Live Stock Products Act—continued

- (d) the grade markings on cases and boxes shall consist of the word "Grade", followed by the letter of the grade and the weight designated where used, all of which shall be in letters three-quarters of an inch high, with the stems of the letters one-eighth of an inch thick; the grade designation shall not be abbreviated;
- (e) the grade markings on cartons shall be printed or stamped on the top of the carton, except that in the case of cartons for one dozen eggs that are so constructed as to be capable of being split into two half-dozen cartons, the grade markings on one of the half-dozen cartons may be printed or stamped on the side thereof, if the grade markings on the other half-dozen carton are printed or stamped on the top thereof; such grade markings shall not be obscured by other wording or design on the carton;
- (f) the grade markings on eggs in open containers in retail stores shall be printed or stamped on a card immediately on top or in front of the eggs and in full, unobscured view of the public; and
- (g) the grade markings on cartons and open containers shall consist of the word "Grade", followed by the letter of the grade and the weight designation, all of which shall be in letters at least one-half inch high; the grade designation shall not be abbreviated.

25. (1) Cartons not for export shall be grade marked as prescribed in section 24; cartons for export need not be grade marked but when so marked shall be in accordance with section 24.

(2) Where cartons packed in cases or boxes are grade marked in accordance with these regulations, the grade markings shall appear both on the cartons and on the cases or boxes.

(3) No carton, box or case shall have marked thereon or attached thereto any mark or words indicating or suggesting that the eggs contained therein are of higher quality than the Canadian Standards for the grade standard marked thereon or attached thereto, and a carton for export that does not have a grade standard marked thereon, shall not have marked thereon or attached thereto any mark or words indicating or suggesting that the eggs contained therein are of a higher quality than the Canadian Standards for the grade standard marked on or attached to the box or case in which the carton is packed.

(4) Cases or boxes of graded eggs shall not be marked with the name of more than one grade unless the eggs are packed in cartons.

26. When cases or boxes are wrapped in paper the prescribed markings shall appear both on the case or box proper and on the outside of the paper wrapper.

27. Any person who

- (a) applies the name of any Canadian Standard Egg Grade on any container of eggs; or
- (b) sells, ships, transports or has in his possession eggs in containers marked with a Canadian Standard Egg Grade;

shall, unless the requirements of this Part with respect to grades, packing material, grade markings and grading premises and equipment have been complied with in every respect, be guilty of an offence under these regulations.

Live Stock and Live Stock Products Act—continued

PART II—*Shipment and Transportation*

28. Eggs shall not be exported or, in a quantity in excess of forty-nine cases in any one day, shipped or transported out of any province into any other province of Canada, unless such eggs have been graded, marked and packed in accordance with the Canadian Egg Standards.

29. No person shall ship ungraded eggs, or transport ungraded eggs other than by public carrier, in a quantity in excess of one case or less than fifty cases in any one day, unless such eggs are being shipped or transported to a registered egg grading station.

30. All cases of eggs being exported shall be marked on the end of the case above the grade mark with the words "Canadian Eggs" in letters not less than three-quarters of an inch high.

31. All cases or boxes of graded eggs being shipped or transported by a producer who is not registered as a registered egg grading station, shall be marked, in letters not less than one-quarter inch high, with the name and address of the producer in the same manner as and below the grade mark.

32. Eggs out of storage may be shipped or transported to a registered egg grading station without grading or inspection, but the containers thereof shall bear the words "UNGRADED OUT OF STORAGE", in letters not less than one-quarter inch high, stamped or stencilled over existing grade marks or, if they bear no grade marks, on the ends of the containers.

PART III—*Inspection*

33. No person shall in any one day ship or transport eggs out of Canada in quantities in excess of twenty-four cases unless such eggs have been inspected, the cases or boxes marked with the Government mark and a certificate of inspection relating thereto issued by an inspector.

34. Upon the application of the operators of registered egg grading stations in any area representing more than fifty per cent of the eggs shipped or transported out of that area, the Minister may, if satisfied that the public interest would best be served thereby, designate such area as an Inspection Area under these regulations.

35. Graded eggs shall not be shipped or transported out of any Inspection Area designated by the Minister, unless such eggs have been inspected, the cases or boxes marked with the government mark and a certificate of inspection thereof has been issued by an inspector.

36. Certificates of inspection may be refused by an inspector if any shipment of eggs is to be shipped or transported under unsuitable conditions or which otherwise fail to comply with the Act or regulations.

37. Certificates of inspection shall be in the form or forms prescribed by the Minister.

38. A certificate of inspection shall be valid only from the point of issue to the destination shown on the certificate.

39. The government mark for containers of Canadian eggs shall be a design of a Maple Leaf with the words "Canada Inspected" or a circle design with the words "Canada Inspected—Per cent Sample Basis", and the inspector's number and date of inspection.

Live Stock and Live Stock Products Act—continued*Import Inspections*

40. Eggs imported into Canada for domestic consumption in quantities in excess of nine cases shall be inspected and marked with the government mark by an inspector at the port of entry into Canada.

41. Collectors of Customs shall not release for delivery any importation of eggs intended for domestic consumption until they have been furnished with a certificate of inspection signed by an inspector; such certificate of inspection shall be attached by the Collector to the Customs Entry form and forwarded to the Department of National Revenue.

42. Containers of eggs imported into Canada for domestic consumption, if not previously marked, shall be marked on both ends by the importer with the words "Produce of . . ." followed by the name of the country of origin in letters at least one inch high and on at least one end with the grade of the eggs contained therein in accordance with the specifications of the Canadian Egg Standards; the importer shall be permitted to regrade any such importation only under the supervision of and in premises approved by an inspector.

43. All imported eggs intended for re-grading shall be kept separate from all other eggs and shall not be moved out of the premises until they have been re-inspected by an inspector.

44. Imported eggs shall be repacked in the cases in which they were imported and the markings showing the country of origin shall not be removed or obliterated; provided that if such eggs cannot be repacked in the original cases, other cases may be used, but shall be marked to show the country of origin.

45. The government mark for use on cases or boxes of imported eggs shall be a design of a Maple Leaf with the words "Canada Inspected" and the inspector's number and date of inspection.

PART IV—Detention

46. An inspector may place under detention any eggs which have been graded, packed, marked, shipped, transported or imported in violation of the provisions of the Act or these regulations.

47. The inspector shall attach to one case in every lot placed under detention a numbered detention tag, which shall bear the words "Under Detention—Department of Agriculture" together with a brief description of such lot, the date and the inspector's signature.

48. Immediately after placing any eggs under detention the inspector shall deliver or mail to the owner of the eggs or his agent a duly completed form of "Notice of Detention"; if such eggs are in premises other than those of the owner, a copy of the "Notice of Detention" shall be given to the person in whose premises the eggs are located.

49. The inspector shall designate in the "Notice of Detention" the premises to which any detained eggs shall be taken.

50. When an inspector is satisfied that any detained eggs comply with the regulations he may issue a duly completed form of "Notice of Release"; one copy of such "Notice of Release" shall be delivered to the owner or his representative and one copy to the person in possession of the eggs.

Live Stock and Live Stock Products Act—continued

51. Detention tags shall not be removed from any eggs by anyone other than an inspector.

PART V—Wholesale and Retail Distribution

52. Eggs shall not be shipped, transported, delivered or kept in a warehouse ready for delivery, by a wholesaler, unless they have been graded, packed and the containers thereof marked in accordance with the Canadian Egg Standards and the prescribed identification of a registered egg grading station and, if imported, the name of the country of origin; provided that when a wholesaler is a producer and is not a registered egg grading station, such containers shall bear the name and address of the producer in the manner prescribed in section 31.

53. The shipment, transportation or delivery of eggs on a wholesale basis shall, except by a producer, be conducted only by a person who holds a certificate as a registered egg grading station with respect to the premises from which he conducts such wholesale business.

54. (1) Eggs shall not be offered or kept in possession for sale by a retailer unless they have been graded and the containers thereof marked in accordance with the Canadian Egg Standards and, if imported, the name of the country of origin.

(2) Containers in which eggs are received by a retailer, shall be marked with the grade of the eggs contained therein in accordance with the Canadian egg standards, the number of the registered egg grading station or the name and address of the producer and, if imported, the name of the country of origin.

(3) All eggs in retail store premises, whether or not in view of the public, shall be deemed to be kept for sale.

55. Any advertisement in which eggs are offered for sale or distribution shall be deemed to be untrue, deceptive or misleading,

- (a) if it fails to include prominently the grade designation according to the Canadian Egg Standards,
- (b) if it includes any implication, representation or assertion that the eggs advertised are superior in condition or quality to that required, under the Canadian Egg Standards, for that particular grade,
- (c) if any word or phrase denoting freshness of production is used as descriptive of eggs graded as Grade B or Grade C, or eggs that have been cold stored, or
- (d) if the words "New Laid" are used as descriptive of eggs other than those graded as Grade A1.

56. Any carton or card displayed in connection with eggs in a retail store shall be deemed to be an advertisement.

57. Any person who,

- (a) as a wholesaler ships, transports, delivers or keeps eggs in a warehouse ready for delivery; or
- (b) as a retailer offers or keeps eggs in his possession for sale or receives eggs,

shall, if the provisions of this Part have not been complied with in every respect, be guilty of an offence under these regulations.

Live Stock and Live Stock Products Act—continued

PART VI—*Shipment and Purchase of Ungraded Eggs*

58. Containers in which ungraded eggs are shipped or transported shall be marked on at least one end in block letters not less than three-quarters of an inch high with the words "UNGRADED EGGS—FOR SHIPMENT ONLY".

59. Registered egg grading stations shall pay on a graded basis for all ungraded eggs purchased or received on consignment by them.

60. Eggs shall be deemed to have been purchased on a graded basis only if they are graded in accordance with the Canadian Standard Egg Grades and if a different price is paid for eggs graded into any of the compulsory or corresponding optional grades.

61. Operators of registered egg grading stations shall be responsible that bench reports in a satisfactory form, in English or French, are completed by the grader with respect to each lot of eggs graded by him.

62. (1) Operators of registered egg grading stations shall furnish to each seller or shipper of ungraded eggs, within seven days after receipt of such eggs, a grading report, in English or French, containing the following information on a printed form provided by them for the purpose:

Name and address of the operator of the registered egg grading station

Registered egg grading station number

Date of statement

Name and address of seller

Date of delivery

Number of dozens of eggs delivered

Amount and rate per dozen of any advance payment, whether in cash
or other negotiable instrument, in merchandise or on account

Number of eggs graded into each grade

Price to be paid for each grade

(2) When any shipment of ungraded eggs received by a registered egg grading station is made up of eggs from more than one producer, suitably identified, the grading report furnished by the registered egg grading station to the shipper shall include details of the grading of the eggs from each individual producer.

(3) One copy of each grading report required by subsections (1) and (2) shall be retained by the registered egg grading station.

Live Stock and Live Stock Products Act—continued

63. (1) First receivers shall pay or settle on a graded basis for all ungraded eggs received by them and shall furnish to the producer, within fourteen days after receipt of such eggs, a grading report, in English or French, showing the following information:

Name and address of first receiver
 Date of statement
 Name and address of producer
 Number of dozens of eggs delivered
 Date of delivery
 Amount and rate per dozen of any advance payment, whether in cash,
 merchandise or on account
 Number of eggs graded into each grade
 Price to be paid for each grade

(2) One copy of each such grading report shall be retained by the first receiver.

64. First receivers who ship or deliver ungraded eggs to a registered egg grading station shall clearly identify the eggs from each individual producer in the shipment, either by packing them in separate containers or by placing each producer's eggs in a separate end of a case or in separate fillers or by packing and identifying them in some other satisfactory manner.

65. First receivers shall sell, ship or transport ungraded eggs only to a registered egg grading station.

66. Only registered egg grading stations may buy or receive ungraded eggs from a first receiver.

67. Advance payments in excess of eighty per centum of the total value of ungraded eggs computed at the price per dozen for Grade B eggs shown on the grading report shall not be made prior to final settlement by a first receiver or registered egg grading station.

68. Registered egg grading stations and first receivers shall retain for a period of ninety days all forms and statements required to be made out by or furnished to them under these regulations.

69. Any person who buys or receives ungraded eggs shall, unless the requirements of this Part have been complied with in every respect, be guilty of an offence under these regulations.

Live Stock and Live Stock Products Act—continued**13. Dressed and Eviscerated Poultry Regulations**

P.C. 1954-2022

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 22nd day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the Live Stock and Live Stock Products Act, is pleased to order as follows:

1. The Regulations respecting the grading and marking of dressed poultry and eviscerated poultry, established by Order in Council P.C. 4238 of 21st October, 1947, are hereby revoked; and

2. The annexed "Regulations respecting the Grading and Marking of Dressed and Eviscerated Poultry" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING THE GRADING AND MARKING OF DRESSED AND EVISCERATED POULTRY

1. These regulations may be cited as the *Dressed and Eviscerated Poultry Regulations*.

2. In these regulations,

- (a) "Act" means the Live Stock and Live Stock Products Act;
- (b) "carload lot" means not less than ten thousand pounds of dressed poultry;
- (c) "consumer" means a person who receives or purchases poultry solely for the use of himself or his family;
- (d) "crooked breast bone" means a breast bone that interferes with the amount and arrangement of the meat;
- (e) "Canadian Standards for Dressed and Eviscerated Poultry" means the kinds, sub-kinds and grades of dressed and eviscerated poultry named and defined in these regulations;
- (f) "dressed poultry" means poultry from which blood and feathers have been removed but does not include eviscerated poultry;
- (g) "eviscerated poultry" means dressed poultry from which the head, the legs at the hock joints and all entrails and internal organs have been completely removed;
- (h) "grade" means to mark a bird, in accordance with these regulations, with the grade name established for such bird by these regulations and "graded", and "grading" have corresponding meanings;
- (i) "inspector" means an inspector appointed or designated pursuant to the Act for the purposes of Part II of the Act or these regulations, and "District inspector" means the inspector for a province;
- (j) "Minister" means the Minister of Agriculture;
- (k) "pin feather" means a miniature feather so protruding through the skin that it can be extracted;
- (l) "poultry eviscerating station" means a place other than a poultry processing station where dressed poultry is eviscerated for sale as eviscerated poultry and graded;

Live Stock and Live Stock Products Act—continued

- (m) "poultry grading station" means a place where dressed poultry is graded but not packed;
- (n) "poultry processing station" means a place where poultry is dressed, cooled, graded and packed;
- (o) "producer" means a farmer who ships, transports or sells as dressed poultry or eviscerated poultry only poultry raised on his own farm;
- (p) "registered" as applied to a station means a poultry processing station, poultry grading and packing station, poultry grading station or poultry eviscerating station, as the case may be, in respect of which a certificate of registration has been issued under this Act and is in force; and
- (q) "temporary poultry grading and packing station" means a place where dressed poultry is graded and packed but which operates only during the fall and winter seasons.

Part I

General

3. (1) Except as provided in this section, no person shall sell or offer, advertise or hold in possession for sale under a grade name established by these regulations and no person shall apply such grade name to

- (a) dressed poultry, unless the poultry was dressed by a producer or in a registered poultry processing station and graded in a registered poultry processing station, a temporary registered grading and packing station or a registered grading station; or
- (b) eviscerated poultry, unless the poultry was dressed by a producer or in a registered poultry processing station and eviscerated and graded in a registered poultry eviscerating station.

(2) A producer may sell or offer, advertise or hold in possession for sale under a grade name established by these regulations and may apply such grade name to dressed poultry and eviscerated poultry if such poultry was raised on his own farm and is sold direct to consumers otherwise than in or through a retail store and if the bird complies with the standards fixed by these regulations for such grade name.

Applications for Registration

4. (1) An application for registration of a station may be made to a district office of a poultry products inspection service on a form to be prescribed by the Minister.

(2) Every applicant for a certificate of registration shall in his application submit a blue print or a drawing showing the plan of the station and the equipment, drainage and such other details as are relevant and, in addition, such further information as the Minister may require.

Part II

Certificates of Registration

5. (1) The application for registration shall be submitted to the Minister and the Minister may issue a certificate of registration for the station in respect of which the application is made, if in his opinion such station complies with the requirements of these regulations for that station.

Live Stock and Live Stock Products Act—continued

- (2) Every registered station shall be assigned a registration number.
- (3) The Minister may for any cause that to him seems sufficient refuse to issue a certificate in respect of any station.
- (4) The Minister may cancel a certificate if in his opinion the station does not comply with the requirements of these regulations or if in his opinion the owner or operator of the station has violated or failed to comply with any of the provisions of these regulations or the Act.
- (5) The owner or operator of a station in respect of which a certificate has been issued shall post and keep posted the certificate in a conspicuous place on the station for so long as the certificate is in force.
- (6) Every certificate of registration issued under these regulations shall, unless sooner cancelled, remain in force until the first day of April next following the day of issue, and shall then expire.
- (7) The Minister may prescribe the forms of certificate of registration under this Act.
- (8) A certificate may not be assigned or transferred.

Part III**REGISTERED STATIONS*****Poultry Processing Stations***

6. A certificate of registration may be issued in respect of a poultry processing station that in the opinion of the Minister complies with the following requirements:

- (a) the station shall include a receiving room for live poultry, a killing room and a refrigerated room for grading and packing poultry;
- (b) the station shall be adequately equipped for dressing, cooling, grading and packing poultry;
- (c) the floors, ceilings and walls of the station shall be constructed of such material that they can be properly cleaned;
- (d) proper provision shall be made for adequately lighting, draining and ventilating the station;
- (e) the station shall have adequate lavatory, washing and dressing facilities for employees and all rooms used for such purposes shall be sanitary and fully equipped and shall have direct outside light and ventilation;
- (f) outside doors and windows of the station shall be screened;
- (g) the station shall be adequately equipped with scales, holding batteries, killing and dressing equipment, cooling racks, grade bins or sorting tables, packing, stencilling and nailing tables, stencilling and grade marking equipment;
- (h) the station shall be equipped with adequate cooling facilities to cool birds before grading to an inside body temperature of forty degrees Fahrenheit or less, and to maintain a temperature not higher than forty degrees Fahrenheit where poultry is to be graded, packed or held for shipment; and
- (i) the station shall have an adequate supply of water.

Live Stock and Live Stock Products Act—continued

7. A registered poultry processing station shall be operated in accordance with the following rules:

- (a) all parts of the premises and all equipment used shall be kept clean and sanitary;
- (b) blood shall be continuously washed or drained from the floor of the killing room;
- (c) feathers shall be removed frequently from the premises;
- (d) the killing room shall be cleaned immediately after each day's operation and the station shall be kept reasonably clean and free from blood and feathers;
- (e) water used for semi-scalding poultry shall be reasonably clean and clear;
- (f) all employees while working in the station shall wear suitable coverings for their clothing and such coverings shall at all times be kept reasonably clean;
- (g) the dressing, grading, packing and marking of poultry shall be done in a room that in the opinion of an inspector is suitable for the purpose;
- (h) dressed poultry shall be cooled before grading to an internal body temperature of forty degrees Fahrenheit or lower and shall be held at a temperature not exceeding forty degrees Fahrenheit when being graded, packed and held for shipment or cold storage;
- (i) no metal equipment or apparatus coming into contact with dressed or eviscerated poultry shall be used unless approved by the Minister and such equipment shall be regularly cleaned and sterilized;
- (j) accurate information respecting receipts, sales and shipment of dressed or eviscerated poultry, packed or otherwise, or the quantity of poultry on hand at any time, shall be furnished to a District inspector upon request;
- (k) dressed or eviscerated poultry shall not be placed in piles either before or after grading but may be placed on grading or sorting tables for convenience in packing;
- (l) all poultry purchased, received or otherwise handled by the station shall be graded and shall, in a manner prescribed by the Minister, be marked with the number of the station and the word "Canada".

Temporary Poultry Grading and Packing Stations

8. (1) A certificate of registration for a temporary grading and packing station may be issued during the late fall and winter months if the arrangements and facilities for cooling and handling poultry are approved by a District inspector.

(2) All poultry purchased, received or otherwise handled by a temporary poultry grading and packing station shall be graded in accordance with these regulations and shall, in a manner prescribed by the Minister, be marked with the number of the station and the word "Canada".

Poultry Grading Stations

9. A certificate of registration may be issued in respect of a poultry grading station that in the opinion of the Minister complies with the following requirements:

- (a) the station shall include a refrigerated room or rooms for cooling and grading poultry and the station shall be otherwise adequately equipped for cooling and grading poultry;

Live Stock and Live Stock Products Act—continued

- (b) the floors, ceilings and the walls of the station shall be constructed of such material that they can be properly cleaned;
 - (c) proper provision shall be made for adequately lighting and ventilating the station;
 - (d) the station shall have adequate lavatory, washing and dressing facilities for employees and all rooms used for such purposes shall be sanitary and fully equipped and shall have direct outside light and ventilation;
 - (e) the station shall be adequately equipped with thermometers, grade bins or sorting tables, grade marking tables and grade marking equipment and shall have proper facilities for hanging birds for cooling.
10. A registered grading station shall be operated in accordance with the following rules:
- (a) all parts of the premises and all equipment used shall be kept clean and sanitary;
 - (b) the premises shall be adequately lighted and ventilated;
 - (c) all employees while working in the station shall wear suitable coverings for their clothing and such coverings shall be kept reasonably clean;
 - (d) the grading of poultry shall be done in a room that in the opinion of an inspector is suitable for the purpose;
 - (e) dressed poultry shall be cooled before grading to an internal body temperature of forty degrees Fahrenheit or lower and shall be held at a temperature not exceeding forty degrees Fahrenheit when being graded, packed and held for sale or cold storage;
 - (f) no metal equipment or apparatus coming in contact with dressed poultry shall be used unless approved by the Minister and such equipment shall be regularly cleaned and sterilized;
 - (g) all poultry purchased, received or otherwise handled by the station shall be graded in accordance with these regulations and shall, in a manner prescribed by the Minister, be marked with the number of the station and the word "Canada";
 - (h) accurate information respecting receipts and sales of dressed poultry, the quantity of poultry graded, or the quantity of poultry on hand at any time, shall be furnished to a District inspector upon request;
 - (i) dressed poultry shall not be placed in piles but may be placed on grading or sorting tables for convenience in handling.

Poultry Eviscerating Stations

11. (1) A certificate of registration may be issued in respect of an eviscerating station if the Minister is of opinion that the station complies with the following requirements:
- (a) the station shall include a refrigerated room for cooling poultry and shall otherwise be adequately equipped for eviscerating poultry;
 - (b) the floor, ceiling and walls of the station shall be constructed of such material that they can be properly and easily cleaned;
 - (c) proper provision shall be made for adequately lighting, draining and ventilating the station;

Live Stock and Live Stock Products Act—continued

- (d) the station shall have adequate lavatory, washing and dressing facilities for employees and all rooms used for such purposes shall be sanitary and fully equipped and have direct outside light and ventilation;
 - (e) outside doors and windows of the station shall be screened;
 - (f) the station shall be adequately equipped with thermometers, scales, instruments for eviscerating poultry, cutting tables, packing tables and any other equipment required in eviscerating poultry; and
 - (g) the station shall have an adequate supply of clean water.
- (2) A registered eviscerating station shall be operated in accordance with the following rules:
- (a) all parts of the premises and all equipment used shall be kept clean and sanitary and entrails and other inedible parts of the bird shall frequently be removed;
 - (b) the premises shall be adequately drained, lighted and ventilated;
 - (c) all employees while working in the station shall wear suitable coverings for their clothing and such coverings shall be kept reasonably clean;
 - (d) the eviscerating of poultry shall be done in a room that in the opinion of an inspector is suitable for the purpose;
 - (e) no metal equipment or apparatus coming in contact with poultry shall be used unless approved by the Minister and such equipment shall be regularly cleaned and sterilized;
 - (f) accurate information respecting receipts and sales of eviscerated poultry, the quantity of poultry eviscerated or the quantity of poultry on hand at any time, shall be furnished to a District inspector upon request;
 - (g) eviscerated poultry shall not be placed in piles but may be placed on grading or sorting tables for convenience in handling;
 - (h) water used for washing eviscerated poultry shall be clean and clear; and
 - (i) all poultry eviscerated by the station shall be graded in accordance with these regulations and shall, in a manner prescribed by the Minister, be marked with the number of the station and the word "Canada".

Part IV

DRESSING

12. For the purpose of these regulations poultry shall be dressed as follows: they shall be starved for sufficient length of time before being killed to empty crops, during which time they should have access to clean drinking water; they shall be properly bled so that no blood remains in the extremities, and shall be dry, wet or wax plucked with all feathers and hairs removed, except that, if so desired, a few feathers may be left around the head; they shall have their feet and toes clean and vents flushed; all blood shall be removed from the mouth and they shall have their crops empty; they shall be removed from the killing to the cooling room as soon as practicable after dressing; they shall have their heads wrapped; birds showing feed in the crop or crop discoloration shall have the crop removed, preferably through the back of the neck, but if the crop is not neatly removed the bird shall be lowered at least one grade.

Live Stock and Live Stock Products Act—continued

Part V

CANADIAN STANDARDS FOR DRESSED AND EVisCERATED POULTRY

13. The grades established by this Part shall be known as “Canadian Standards for Dressed and Eviscerated Poultry”.

14. The kinds, sub-kinds and grades for dressed poultry and eviscerated poultry shall be as follows:

<i>Kinds</i>	<i>Sub-Kinds</i>
Chickens	Squab Broilers, Broilers, Fryers, Roasters, Poulards, Capons, Stags.
Fowl	Hens, Roosters.
Turkeys	Young Turkey Hens, Young Turkey Toms, Old Turkey Hens, Old Turkey Toms.
Ducks	Ducklings, Old Ducks.
Geese	Goslings, Old Geese.
Pigeons	Squab Pigeons, Pigeons.
Guineas	Guinea Chickens, Guinea Fowl.

Kinds and Sub-Kinds

The kinds of poultry shall include both sexes but shall make no distinction between the breeds.

Squab Broilers, Broilers, Fryers, Roasters, Poulards, Capons, Ducklings, Goslings, Young Turkeys, Guinea Chickens and Stags are young birds with soft flexible cartilage at the posterior end of the breastbone or keel. They are birds that are prepared for market and killed at or before maturity and before they are used for breeding purposes.

Squab Broilers are young chickens weighing not more than 19 pounds to the dozen.

Broilers are young chickens weighing not more than 30 pounds to the dozen.

Fryers are chickens weighing over 30 to 42 pounds to the dozen.

Roasters are chickens weighing over 43 pounds to the dozen.

Capons are unsexed male chickens.

Poulards are unsexed female chickens.

Stags are male chickens showing hard spurs and general characteristics approaching the stage of maturity.

Squab Pigeons are young pigeons that have never flown.

Hens, Roosters, Ducks, Geese, Old Turkey Hens, Old Turkey Toms and Guinea Fowl are mature birds that have no soft flexible cartilage at the posterior end of the breastbone or keel.

Pigeons are old birds that have flown and developed hard muscle.

GRADES

15. (1) In grading poultry under these regulations the following factors shall be considered: condition, conformation, flesh, fat and dressing.

(2) To qualify for any grade under these regulations, poultry shall have all plumage feathers plucked from the body, wings, hocks and the neck to within one inch of the head, vents flushed, feet and mouth cleaned.

Live Stock and Live Stock Products Act—continued

GRADES FOR DRESSED POULTRY

16. The following shall be the grade names under these regulations:

Grade Special (or Grade Special Milkfed in the case of chickens)

Grade A (or Grade A Milkfed in the case of chickens)

Grade B

Grade C

Grade D

(1) Grade Special—(or Grade Special Milkfed in the case of chickens):

To qualify for this grade poultry shall:

- (a) be of normal physical conformation with no deformities;
- (b) be well fleshed in relation to length and depth of body; and in the case of turkeys, the keel shall be relatively long for size of the carcass; breast flesh carried well over front of keel and well back to the posterior end of keel; the width of breast at a point one inch back from the anterior end of keel and $\frac{2}{5}$ of the depth of the carcass shall be equal to 80% of the length of the keel;
- (c) have breast, back, hips and pin bones in the case of chickens covered with fat and in the case of other poultry well covered with fat;
- (d) have not more than five pin feathers on the breast or more than ten elsewhere on the body;
- (e) have no prominent discoloration from any cause;
- (f) have no more than one tear on the breast which shall be not more than one-quarter inch in length; tears elsewhere on the body of the bird shall not exceed two, and
 - (i) in the case of broilers and pigeons shall not be more than one-quarter inch in length,
 - (ii) in the case of other chickens, fowl, ducks and guineas shall not be more than one-half inch in length, and
 - (iii) in the case of turkeys and geese shall not be more than three-quarters inch in length.

(2) Grade A (or Grade A Milkfed in the case of chickens)—

To qualify for this grade poultry shall:

- (a) be of normal physical conformation with no deformities but may have a slightly crooked keel bone that does not interfere with the arrangement and placement of the meat;
- (b) be relatively well fleshed in relation to length and depth of body, but may have slightly prominent keel bones;
- (c) have the breast, back, hips and pin bones in the case of chickens showing fat and in the case of other poultry reasonably well covered with fat;
- (d) have not more than six pin feathers on the breast or more than twelve elsewhere on the body;
- (e) have no prominent discoloration from any cause exceeding one-half inch square on the breast or one inch square elsewhere on the body, and
- (f) not have on the breast more than one tear exceeding one-quarter inch in length or more than three small tears; tears elsewhere on the body of the birds shall not exceed two in number, and

Live Stock and Live Stock Products Act—continued

- (i) in the case of chickens, fowl, ducks, pigeons and guineas shall not be more than one-half inch in length, and
 - (ii) in the case of turkeys and geese shall not be more than three-quarters inch in length.
- (3) Grade B—To qualify for this grade poultry shall:
- (a) be of normal physical conformation but may have slightly crooked keel bone;
 - (b) be reasonably well fleshed having insufficient flesh to meet the requirements of Grade A;
 - (c) have sufficient fat to prevent a dark red appearance;
 - (d) be sufficiently well plucked that any remaining pin feathers will not detract from the appearance of the bird;
 - (e) have no prominent discoloration exceeding one square inch; and
 - (f) not have more than two tears exceeding one-half inch in length on the breast; tears elsewhere on the body shall not exceed three in number and,
 - (i) in the case of chickens, fowl, ducks, pigeons and guineas shall not be more than one-half inch in length, and
 - (ii) in the case of turkeys and geese shall not be more than one inch in length.
- (4) Grade C—To qualify for this grade poultry shall be fairly well fleshed and not badly discoloured from any cause, shall not have tears exceeding four inches in length or pin feathers that seriously detract from the appearance of the bird.
- (5) Grade D—Shall include all birds that do not qualify for any of the higher grades but which are fit for human consumption.

Part VI**PACKING**

17. For the purposes of these regulations, dressed poultry and eviscerated poultry shall be packed as prescribed in this Part.

Style of Packing

18. (1) Dressed poultry shall be side packed, breast packed or packed in such other manner as the Minister may prescribe.

(2) Eviscerated poultry shall be packed in such manner as the Minister may prescribe.

Packing

19. (1) All poultry in a package shall be reasonably uniform as to color and conformation and birds showing fat which is distinctly yellow in colour shall not be packed with birds showing fat which is white or creamy white in colour.

(2) All sub-kinds of poultry shall be packed in separate boxes.

(3) The pack for chickens, fowl and guineas shall be twelve birds to the box.

(4) The pack for turkeys and geese shall be four, six, eight, ten or twelve birds to the box according to their weight.

(5) The pack for pigeons shall be one dozen, two dozen, three dozen, four dozen, or five dozen to the box.

Live Stock and Live Stock Products Act—continued

Box Liners

20. (1) Boxes for dressed poultry shall be lined with parchment or wax paper or any other kind of paper approved by the Minister except

- (a) where birds are individually wrapped in a manner approved by the Minister, or
- (b) where birds are packed in paper boxes, waxed inside and the use of which has been approved by the Minister.

(2) Boxes for eviscerated poultry shall be such as are approved by the Minister.

Packing Weights

21. The weights for packing dressed poultry are as follows:

Packing Weights for Chickens and Fowl:

- Birds weighing over 9 to 12 pounds per 12 birds
- Birds weighing over 12 to 15 pounds per 12 birds
- Birds weighing over 15 to 18 pounds per 12 birds
- Birds weighing over 18 to 21 pounds per 12 birds
- Birds weighing over 21 to 24 pounds per 12 birds
- Birds weighing over 24 to 27 pounds per 12 birds
- Birds weighing over 27 to 30 pounds per 12 birds
- Birds weighing over 30 to 36 pounds per 12 birds
- Birds weighing over 36 to 42 pounds per 12 birds
- Birds weighing over 42 to 48 pounds per 12 birds
- Birds weighing over 48 to 54 pounds per 12 birds
- Birds weighing over 54 to 60 pounds per 12 birds
- Birds weighing over 60 to 66 pounds per 12 birds
- Birds weighing over 66 to 72 pounds per 12 birds
- Birds weighing over 72 to 78 pounds per 12 birds
- Birds weighing over 78 to 84 pounds per 12 birds
- Birds weighing over 84 to 90 pounds per 12 birds
- Birds weighing over 90 to 96 pounds per 12 birds
- Birds weighing over 96 to 102 pounds per 12 birds

Packing Weights for Turkeys:

- Birds weighing 6 to 8 pounds each
- Birds weighing over 8 to 10 pounds each
- Birds weighing over 10 to 12 pounds each
- Birds weighing over 12 to 14 pounds each
- Birds weighing over 14 to 16 pounds each
- Birds weighing over 16 to 18 pounds each
- Birds weighing over 18 to 20 pounds each
- Birds weighing over 20 to 22 pounds each
- Birds weighing over 22 to 26 pounds each
- Birds weighing over 26 to 30 pounds each
- Birds weighing over 30 to 34 pounds each

Packing Weights for Ducks:

- Birds weighing 3 to 4 pounds each
- Birds weighing over 4 to 5 pounds each
- Birds weighing over 5 to 6 pounds each
- Birds weighing over 6 to 7 pounds each

Live Stock and Live Stock Products Act—continued

Packing Weights for Geese:

- Birds weighing 6 to 8 pounds each
- Birds weighing over 8 to 10 pounds each
- Birds weighing over 10 to 12 pounds each
- Birds weighing over 12 to 14 pounds each

Variation in weight of individual birds packed within a box shall be allowed as follows:

- Squab Broilers —not over ¼ pound per bird
- Broilers —not over ¼ pound per bird
- All other Chickens —not over ½ pound per bird
- Turkeys, weighing not over 22 pounds each —not over 2 pounds per bird
- Turkeys, weighing over 22 pounds each —not over 4 pounds per bird
- Geese —not over 2 pounds per bird

BOX SPECIFICATIONS

22. (1) Boxes used for packing eviscerated poultry shall be such as are approved by the Minister.

(2) Unless otherwise authorized by the Minister, boxes used for breast packing graded dressed poultry shall comply with the following specifications:

BOXES FOR CHICKENS AND FOWL

Box No.	Weights to pack in each box of 12 birds	Inside length in inches	Inside width in inches	Inside depth in inches	Minimum thickness of sides, top and bottom	Minimum thickness of lumber in both ends
	(lbs.)					
1	9 to 12.....	14	10½	4¼	⅜	⅞
2	Over 12 to 15.....	15	10½	4½	⅜	⅞
3	Over 15 to 18.....	16	10½	4¾	⅜	⅞
4	Over 18 to 21.....	16	11½	5	¼	½
5	Over 21 to 24.....	17	11½	5¼	¼	½
6	Over 24 to 27.....	18	11½	5½	¼	½
7	Over 27 to 30.....	18	12½	5¾	⅝	½
8	Over 30 to 36.....	19	12½	6	⅝	½
9	Over 36 to 42.....	21	12	6½	⅝	½
10	Over 42 to 48.....	22	13¼	6¾	¾	⅝
11	Over 48 to 54.....	23	13½	7	¾	⅝
12	Over 54 to 60.....	24	14	7¼	¾	⅝
13	Over 60 to 66.....	25	14½	7½	¾	⅝
14	Over 66 to 72.....	26	15	7¾	¾	⅝
15	Over 72 to 78.....	27	15½	8	¾	¾
16	Over 78 to 84.....	28	16	8¼	¾	¾
17	Over 84 to 90.....	29	17	8½	¾	¾
18	Over 90 to 96.....	30	18	8¾	¾	¾
19	Over 96 to 102.....	31	19	9	¾	¾

When only six chickens or six fowl or six roosters are packed per box, the inside length of the box shall be one half of that prescribed above.

Live Stock and Live Stock Products Act—continued

BOXES FOR TURKEYS

Box No.	Number of birds to pack in each	Weight Spread	Inside length in inches	Inside width in inches	Inside depth in inches	Minimum thickness of sides, top and bottom	Minimum thickness of lumber in both ends
		(lbs.)					
20	10	Over 8 to 10	26	19	8½	3⁄8	3⁄4
21	8	Over 10 to 12	22	20	9	3⁄8	3⁄4
22	8	Over 12 to 14	23	21	9½	3⁄8	3⁄4
23	6	Over 14 to 16	22	20	10	3⁄8	3⁄4
24	6	Over 16 to 18	23	21	10½	3⁄8	3⁄4
25	4	Over 18 to 20	24	14½	11	3⁄8	3⁄4
26	4	Over 20 to 22	25	15½	11½	3⁄8	3⁄4
27	4	Over 22 to 26	27	17	12½	3⁄8	3⁄4
28	4	Over 26 to 30	29	18½	13½	1⁄2	3⁄4
29	4	Over 30 to 34	31	20	14½	1⁄2	3⁄4

When boxes Nos. 20, 21 and 22 are used, the birds shall be packed along the sides of the box.

When boxes Nos. 23, 24, 25, 26, 27, 28 and 29 are used, the birds shall be packed along the ends of the box.

BOXES FOR DUCKS

Box No.	Weights to pack in each box of six birds	Inside length in inches	Inside width in inches	Inside depth in inches	Minimum thickness of sides, top and bottom	Minimum thickness of lumber in both ends
	(lbs.)					
30	18 to 24.....	20	12	5	1⁄4	1⁄2
31	Over 24 to 30.....	21	12½	5¼	1⁄4	1⁄2
32	Over 30 to 36.....	22	13	5½	1⁄4	1⁄2
33	Over 36 to 42.....	23	13½	5¾	1⁄4	1⁄2

When boxes Nos. 30 to 33 inclusive are used, birds shall be packed along the ends of the box.

Box No.	Weights to pack in each box of 12 birds	Inside length in inches	Inside width in inches	Inside depth in inches	Minimum thickness of sides, top and bottom	Minimum thickness of lumber in both ends
	(lbs.)					
34	36 to 48.....	24	20	5	1⁄4	1⁄2
35	Over 48 to 60.....	25	21	5¼	1⁄4	1⁄2
36	Over 60 to 72.....	26	22	5½	1⁄4	1⁄2
37	Over 72 to 84.....	27	23	5¾	1⁄4	1⁄2

When boxes Nos. 34 to 37 inclusive are used, birds shall be packed along the sides of the box.

Live Stock and Live Stock Products Act—continued

BOXES FOR GEESE

Box No.	Weights to pack in each box of six birds	Inside length in inches	Inside width in inches	Inside depth in inches	Minimum thickness of sides, top and bottom	Minimum thickness of lumber in both ends
	(lbs.)					
38	36 to 48.....	25	16	6 $\frac{1}{4}$	1	1
39	Over 48 to 60.....	27	17	6 $\frac{1}{2}$		
40	Over 60 to 72.....	28	18	6 $\frac{3}{4}$		
42	Over 72 to 84.....	30	19	7		

In packing geese, the birds shall be packed along the sides of the box.

Dressed poultry in Canadian Standard Poultry boxes shall be packed so that the feet, head and wing tips are not visible when the cover is removed.

1. All boards used in Standard Poultry boxes shall be:
- (a) of good, sound quality of soft wood or poplar, with a moisture content, based on the oven-dry weight of the wood, of 15 per centum with a leeway of 3 per centum;
 - (b) planed smooth on the outside and smooth sawn on the inside;
 - (c) reasonably free from knots but no knot or knot cluster shall be greater than one-third of the width of the board;
 - (d) straight edged, or tongued and grooved, or tongued and grooved and glued, or, Lindermanized.

2. Each side and end of boxes 1 to 9 inclusive and 30 to 33 inclusive, when inside corner cleats are not used, shall be one piece or Lindermanized, or, tongued and grooved and glued; if tongued and grooved and glued, two corrugated metal fasteners shall be placed across each end joint.

3. All covers and bottoms shall be flush with and fit over the sides and ends.

4. Only wide boards 3 $\frac{5}{8}$ " or over shall be used as outside boards in both tops and bottoms.

5. All covers shall be joined and reinforced across the outside or the inside of each extreme end with a wooden batten $\frac{3}{8}$ " thick and equal in width to the thickness of the end of the box, when used on the inside.

6. All boxes 10 to 29 inclusive and 34 to 41 inclusive shall, and all other boxes listed in these specifications may have inside corner cleats. When inside corner cleats are used, ends may consist of one or more boards. Boards shall be straight edged, or Lindermanized, or tongued and grooved, or tongued and grooved and glued.

- Each inside corner cleat shall be:
- in the case of boxes numbering from 10 to 26 inclusive and 34 to 41 inclusive, 1 $\frac{1}{4}$ " wide and $\frac{1}{2}$ " in thickness;
 - in the case of boxes numbering from 27 to 29 inclusive, 1 $\frac{5}{8}$ " wide and $\frac{5}{8}$ " in thickness.

The length of all corner cleats shall be $\frac{1}{8}$ " less than the inside depth of the end of the box.

Live Stock and Live Stock Products Act—continued

NAILING REQUIREMENTS FOR CANADIAN STANDARD POULTRY BOXES
FOR CHICKENS, FOWL, ROOSTERS, TURKEYS, DUCKS AND GEESE

Part of box to be nailed	Box numbers	Types of nails	Minimum length of nails in inches	Minimum number of nails per nailing edge
Inside corner cleat, transverse to grain of end boards.	34-37	Clinch	1 $\frac{1}{8}$	4
	10-14, 38-41	"	1 $\frac{1}{4}$	5
	15-21	"	1 $\frac{3}{8}$	6
	22-26	"	1 $\frac{3}{8}$	7
	27-29	"	1 $\frac{1}{2}$	8
Cover cleat transverse to grain of cover boards.	1- 3	Clinch nails	$\frac{5}{8}$	4
	4- 9, 30-33	or staples	$\frac{3}{4}$	4
	34-37	"	$\frac{3}{4}$	7
	10-14, 25-26	"	$\frac{7}{8}$	5
	15-19, 38-41	"	$\frac{7}{8}$	6
	20-24	"	$\frac{7}{8}$	7
	27-29	"	1	7
Sides to ends.....	1-6, 30-33	Cement-coated	1 $\frac{1}{2}$	4
	7- 9, 34-39	box nails	1 $\frac{1}{2}$	5
	10-14, 40-41	"	1 $\frac{1}{2}$	6
	15-21	"	1 $\frac{1}{2}$	7
	22-26	"	1 $\frac{1}{2}$	8
	27-29	"	2	8
Bottom to ends.....	1- 3	Cement-coated	1 $\frac{1}{2}$	5
	4- 9, 30-33	box nails	1 $\frac{1}{2}$	6
	10-14, 38-39	"	1 $\frac{1}{2}$	8
	15-17, 25-26	"	1 $\frac{1}{2}$	9
	34-37, 40-41	"	1 $\frac{1}{2}$	10
	18-19	"	1 $\frac{1}{2}$	11
	20-24	"	1 $\frac{1}{2}$	11
Cover to ends.....	27-29	"	2	10
	1- 3	Cement-coated	1 $\frac{3}{4}$	3
	4- 9, 30-33	box nails	1 $\frac{3}{4}$	4
	10-14, 38-39	"	1 $\frac{3}{4}$	5
	15-17, 25-26	"	1 $\frac{3}{4}$	6
	34-37, 40-41	"	1 $\frac{3}{4}$	6
	18-19	"	1 $\frac{3}{4}$	8
	20-24	"	1 $\frac{3}{4}$	8
	27-29	"	2	8

When inside corner cleats are used the nails that hold the sides to the ends shall be driven alternately into the end grain of the end board and into the side grain of the cleats. When an odd number of nails per nailing edge is used the greater proportion shall be driven into the side grain of the cleats.

When inside corner cleats are used in boxes other than those herein specified, they shall be joined to the end boards by clinch nails the length of which equals the combined thickness of the end boards and cleats plus $\frac{1}{8}$ inch of clinching; these nails shall be spaced not more than 2 inches apart.

All clinch nails and staples shall be clinched.

Live Stock and Live Stock Products Act—continued**Part VII****BOX MARKING**

23. No person shall apply to any box containing graded dressed or eviscerated poultry any grade name established by these regulations unless the box was packed in accordance with the provisions of Part VI of these regulations and unless the box is marked in accordance with this Part.

24. (1) All boxes containing poultry shall be correctly marked so as to show:

- (a) in the left upper corner: the number of birds in the box; this mark may be omitted in the case of a box containing twelve birds;
- (b) in the left lower corner: "Tagged", if all the birds in the box are wing tagged; in this corner may also be shown the gross weight of the package under "Tagged";
- (c) in the right lower corner on the lower edge of the end board and close to the corner: the net weight;
- (d) in the centre: kind or sub-kind or both on the first line; the word "Grade" followed by the Grade designation on the second line, and, in the case of eviscerated poultry the word "Eviscerated" on the third line; provided that in the case of Grade Special Milkfed chickens and Grade A Milkfed chickens the word "Milkfed" shall appear on the third line and the word "Eviscerated" on the fourth line;
- (e) in the bottom centre line directly below the grade designation the words "REG. No....." followed by the number of the registered station in which the poultry was packed;
- (f) in the marking of boxes containing turkeys both kind and sub-kind shall be shown; the sub-kind shall be indicated by the first letters of the sub-kind and shall immediately follow the kind;
- (g) boxes containing stags and roosters shall be marked as such;
- (h) where birds have head or feet removed and are eviscerated, or have been heavily scalded, it shall be so marked on the stencilled end of the box directly below the grade name in letters as stipulated in subsection four of this section.

(2) Except as provided in this section all marks required to be placed on boxes shall be clearly and legibly printed, stamped or stencilled on the outside of at least one end of the box in black block letters and figures three-quarters of an inch in height with stems of letters approximately one-eighth of an inch in width and letters approximately one-half inch in width; provided that with the approval of the Minister the marks may be printed, stamped or stencilled on a label in such form as the Minister may prescribe.

(3) The words "Tagged" shall be in letters of one-quarter inch in height with thin fine line stems.

(4) Boxes numbering one to eight inclusive and thirty to thirty-seven inclusive may be in letters and figures one-half inch in height with stems of letters approximately one-sixteenth of an inch in width and letters approximately one-quarter of an inch in width.

Live Stock and Live Stock Products Act—continued

25. (1) An inspector may, in accordance with these regulations, place a mark of approval on each package of dressed or eviscerated poultry inspected by him, which mark shall be called the "Government Mark" and shall include the Maple Leaf and the words "Canadian Poultry Products" and "Government Inspected" together with the inspector's number, but the Minister may, until all inspectors are furnished with the necessary stamps, in the case of dressed poultry, authorize inclusion of the words "Canadian Dressed Poultry" in lieu of the words "Canadian Poultry Products".

(2) Before the Government Mark is placed upon any package, the inspector shall draw or require to be drawn at his direction samples of at least twenty per centum of each kind, sub-kind and grade to be marked and shall examine the contents of each package; the inspector shall satisfy himself that the samples taken are representative and shall take any further samples and make any further examination that he deems necessary.

(3) The maximum allowance at the time of inspection shall not exceed one bird in twenty-four below the grade stated or one bird in three above the grade stated.

(4) The number of birds that exceed the maximum allowance in weight of birds within a box shall not be more than one in twenty-four.

26. No package containing dressed or eviscerated poultry shall be marked with the Government Mark unless the warehouse or rooms in which the poultry is held are in a clean and sanitary condition and no inspection shall be made unless suitable accommodation and light is provided for the inspector to insure a proper examination.

27. No person other than an inspector shall apply any Government Mark to any package containing dressed or eviscerated poultry.

28. No person shall place on any box containing dressed or eviscerated poultry any mark or design other than those required by these regulations unless authorized by the Minister.

Part VIII

CERTIFICATES OF INSPECTION

29. An inspector may, in accordance with this Part, issue a certificate of inspection with respect to any lot or shipment of poultry inspected by him.

30. (1) No certificate of inspection shall be issued covering any lot or shipment of dressed or eviscerated poultry if it is found to contain birds that show undue moisture, must, mould, freezer burn or off-condition appearance at time of inspection.

(2) If the sample examined by the inspector is found to be of the grade as represented on the birds and boxes and the birds are uniform in weight, each within the tolerance allowed, and the poultry has been packed, the containers marked and the shipment in all other respects is in accordance with these regulations, the inspector shall mark each container in the shipment with the Government Mark in the place and manner prescribed in these regulations and shall issue a certificate in the form prescribed by these regulations covering the shipment.

Live Stock and Live Stock Products Act—continued

(3) Certificates covering shipments for export shall be marked across the face of the certificate with the words "Export Certificate".

(4) Unless the District Inspector, in exceptional circumstances, allows a shorter notice, at least twelve hours' notice that inspection is required shall be given to the nearest District Inspection Office.

(5) The proprietor of the station making the request for inspection shall advise the Senior Officer as to the number of boxes of the different kinds and grades of dressed or eviscerated poultry to be offered for inspection.

31. The following is the form in which certificates shall be issued when inspections are made at point of shipment:

CERTIFICATE OF INSPECTION

Dressed Poultry

Place..... Date.....

Name and Address of Shipper or Owner.....

Where inspected.....

Kind and Sub-Kind	No. of Boxes in Grades		No. of Boxes in Grades					Total
	Sp.	A	Sp.	A	B	C	D	
	Milkfed							
Total.....								

Shipping Marks.....

Consignee.....

Address.....

Route and Car No.....

I hereby certify the above.....boxes of poultry have been duly inspected this.....
day of.....and the boxes marked with the Government Mark according to regu-
lations under the "Live Stock and Live Stock Products Act".

Sgd.....

Inspector's No.....

Live Stock and Live Stock Products Act—continued

CERTIFICATE OF INSPECTION

Eviscerated Poultry

Place..... Date.....

Name and Address of Shipper or Owner.....

Where inspected.....

Kind and Sub-Kind	No. of Boxes in Grades		No. of Boxes in Grades					Total
	Sp.	A	Sp.	A	B	C	D	
	Milkfed							
Total.....								

Shipping Marks.....

Consignee.....

Address.....

Route and Car No.....

I hereby certify the above.....boxes of poultry have been duly inspected this.....
day of.....and the boxes marked with the Government Mark according to
regulations under the "Live Stock and Live Stock Products Act".

(Sgd).....

Inspector's No.....

Part IX

SHIPPING AND TRANSPORTATION

32. No person shall either by himself or through the agency of another person, ship or transport dressed or eviscerated poultry in carload lots out of any province of Canada into any other province unless the poultry has been inspected and certified by an inspector at the point of shipment and is graded and packed and the containers marked in accordance with these regulations and unless each individual bird is marked in a manner approved by the Minister to denote the grade and the number of the registered station at which such bird was graded, together with the word "Canada".

33. No person shall either by himself or through the agency of another person ship dressed or eviscerated poultry for export from Canada unless the same has been inspected and certified by an inspector at the point of

Live Stock and Live Stock Products Act—continued

shipment and is graded and packed and the containers marked in accordance with these regulations and unless each individual bird is marked in a manner approved by the Minister to denote the grade and the number of the registered station at which such bird was graded, together with the word "Canada".

Part X**GENERAL**

34. (1) Except where dressed or eviscerated poultry is sold and delivered direct to a consumer by a producer otherwise than in or through a retail store, all dressed or eviscerated poultry offered for sale to consumers in retail stores, public markets or otherwise or to hotels, restaurants, barbecues or any person commercially engaged in serving meals, shall be marked in a manner approved by the Minister to denote the grade of the bird, the number of the registered station at which the poultry was graded as required by these regulations, together with the word "Canada".

(2) Tags or marks used to denote the grade of the bird shall be coloured purple, red, blue or yellow-brown in the case of grades "Special" (or Special Milkfed), "A" (or Milkfed), "B" and "C" respectively.

(3) The form, colour, lettering, place and method of attachment of tags used in the grading of dressed poultry shall be as prescribed by the Minister.

(4) In the case of old turkeys, the tag of grade mark shall bear the word "old".

(5) All dressed or eviscerated poultry in retail store premises, public markets, hotels, restaurants, barbecues or any places where meals are served commercially, whether or not in view of the public shall be deemed to be kept for sale and all markings for such birds as required by these regulations shall be clear and legible.

(6) Any advertisement pertaining to dressed or eviscerated poultry shall state the kind and grade of poultry offered for sale and, in the case of turkeys, whether they are young or old.

35. (1) No person shall either by himself or through the agency of any person, sell, offer or have in possession for sale, ship or deliver dressed or eviscerated poultry marked, labelled, tagged or described on the containers or otherwise with or by the name of any grade, kind or sub-kind specified in these regulations unless the dressed or eviscerated poultry conforms in all respects to such grade, kind or sub-kind.

(2) Any dressed or eviscerated poultry that does not conform to or is below the grade specified by any tag or mark thereon shall be deemed to be misbranded.

36. (1) No person shall publish an untrue, deceptive or misleading advertisement in respect of dressed or eviscerated poultry offered or held for sale or distribution.

(2) Any advertisement that contrary to the fact applies either directly or indirectly to any dressed or eviscerated poultry, any grade, kind or sub-kind set forth in these regulations shall be deemed to be untrue, deceptive or misleading.

Live Stock and Live Stock Products Act—continued

37. (1) With respect to conformation, flesh, amount of fat and dressing (tears, pin feathers, discoloration from bruising or improper bleeding) of any dressed or eviscerated poultry sold or delivered to a buyer, the registered station the number of which appears on any such poultry shall be responsible at all times.

(2) With respect to condition (musty, mouldy, discoloration from putrefaction, or dried, leathery or discolored skin) of any fresh or frozen dressed or eviscerated poultry sold or delivered to a buyer by the registered station the number of which appears on any such poultry, the station shall be responsible for twenty-four hours after delivery to or defrosting thereof by the buyer, as the case may be.

Part XI

DETENTION

38. (1) An inspector may place under detention any dressed or eviscerated poultry that has been graded, packed, marked, shipped, transported or imported in violation of the provisions of the Act or these regulations.

(2) The inspector shall attach to one box or bird in any lot placed under detention a numbered detention tag bearing the words "Under Detention—Department of Agriculture" together with a brief description of such lot, the date and the inspector's signature.

(3) Immediately after placing any dressed poultry under detention the inspector shall deliver or mail to the owner of the dressed or eviscerated poultry or his agent a duly completed form of "Notice of Detention", if such dressed or eviscerated poultry is in premises other than those of the owner, a copy of the "Notice of Detention" shall be given to the person in whose premises the poultry is located.

(4) The inspector shall designate in the "Notice of Detention" the premises to which any poultry detained hereunder shall be taken.

(5) When an inspector is satisfied that any dressed or eviscerated poultry detained hereunder complies with these regulations, he may issue a duly completed form of "Notice of Release"; one copy of such "Notice of Release" shall be delivered to the owner or his representative and one copy to the person in possession of the dressed poultry.

(6) Detention tags shall not be removed from any poultry by anyone other than an inspector.

Part XII

IMPORTATION OF DRESSED OR EVISCERATED POULTRY

39. (1) No person shall import dressed or eviscerated poultry into Canada unless such poultry is graded and packed and the boxes marked in accordance with these regulations; no more than twelve birds shall be packed in any one box.

(2) Collectors of Customs and Excise shall not release for delivery any importation of dressed and eviscerated poultry until they have been furnished with a certificate signed by an inspector setting forth that such importation has been inspected as required by these regulations; provided,

Live Stock and Live Stock Products Act—*continued*

that where dressed and eviscerated poultry is not properly graded or the boxes properly marked, the Collector of Customs and Excise may permit the importer to forward such shipment to a registered poultry station that has been duly registered under the regulations to be re-graded and re-marked as may be required by an inspector; such certificate shall be attached by the Collector of Customs to the customs entry form and forwarded to the Department of National Revenue, Customs and Excise Division.

(3) A certificate in the following form shall be supplied to the Collector of Customs and Excise at ports of entry before any shipment shall be released for delivery and a duplicate copy of the certificate shall also be mailed by the inspector to the Director of Marketing Service.

CERTIFICATE OF INSPECTION

Imported Dressed Poultry

I a duly authorized Inspector under the Live Stock and Live Stock Products Act, do certify that the shipment of Poultry described herein has been inspected and certified in accordance with the regulations respecting importations of dressed poultry enacted under the said Act.

Place..... Date.....

Name and Address of Importer.....

Name and Address of Consignor.....

Country of origin..... Car Number.....

Kind and Sub-Kind	No. of Boxes in Grades		No. of Boxes in Grades					Total
	Sp.	A	Sp.	A	B	C	D	
	Milkfed							
Total.....								

(Sgd.).....

Inspector's No.....

Live Stock and Live Stock Products Act—concluded

CERTIFICATE OF INSPECTION

Imported Eviscerated Poultry

I a duly authorized Inspector under the Live Stock and Live Stock Products Act, do certify that the shipment of poultry described herein has been inspected and certified in accordance with the regulations respecting importations of eviscerated poultry enacted under the said Act.

Place..... Date.....

Name and Address of Importer.....

.....

Name and Address of Consignor.....

.....

Country of origin..... Car Number.....

Kind and Sub-Kind	No. of Boxes in Grades		No. of Boxes in Grades					Total
	Sp.	A	Sp.	A	B	C	D	
	Milkfed							
Total.....								

(Sgd.).....

Inspector's No.....

.....

LIVE STOCK SHIPPING ACT. (R.S.C., 1952, c. 169)

Regulations respecting the shipping of livestock from Canada

These regulations were in process of revision on January 1, 1955, but the revision had not been completed in time for this Consolidation. The regulations in effect on January 1, 1955, were those made by Order in Council P.C. 2589 of 8th June 1948, and published in Part II of the *Canada Gazette* 1948, page 2566.

MAPLE PRODUCTS INDUSTRY ACT. (R.S.C., 1952, c. 172)**Maple Products Industry Regulations**

Under and by virtue of the power conferred upon me by section 15 of the Maple Products Industry Act, chapter 24 of the Statutes of 1945, the undersigned hereby orders that the Regulations of the Maple Products Industry Act established by Ministerial Order of January 5th, 1946, be rescinded and the following substituted therefor.

James G. Gardiner,
Minister of Agriculture.

Ottawa, October 30, 1948.

The Maple Products Industry Regulations

1. In these regulations unless the context otherwise requires:
 - (a) "Act" means the Maple Products Industry Act, 1945;
 - (b) "sample" means any lot or quantity of a maple product, imitation or adulterated maple product taken by an inspector under the provisions of the Act or these regulations.
2. Every manufacturer or packer of maple products shall apply to the Fruit and Vegetable Division, Marketing Service, Department of Agriculture, to be registered.
3. Every manufacturer or packer of maple products who ships or transports such products out of the province in which they have been manufactured or out of Canada shall apply for a licence in the prescribed form. Applications for renewal of licences shall be made prior to the 31st day of March in each year. The fee for such licence or renewal thereof shall be \$20.00 payable to the Receiver General of Canada.
4. Every operator of a sugar bush who ships or transports maple products out of the province in which they have been manufactured or out of Canada shall apply for a licence in the prescribed form. Applications for renewal thereof shall be made prior to the 31st day of March in each year. No fee shall be charged for such licence or renewal thereof.
5. (1) Labels on packages containing maple products shall be firmly affixed to the package and shall include all marks required by the Act and these regulations;
 - (2) All labels shall be submitted in duplicate to the Department for approval before being used. One copy shall be retained by the Department and the other returned either approved or rejected to the owner. Any label, whether approved or rejected, shall be produced for examination by an inspector when required;
 - (3) All required information shall be plainly and distinctly printed and no portion thereof shall be obscured by any design, legend, picture, illustration or wrapper.
6. (1) The common name of a maple product shall appear on the main panel of the main label together with the net weight, the name and address of the manufacturing or packing plant or of the sugar bush and, if licensed, the licence number in a plain and legible size of type, reasonably proportionate to the size of the package.

Maple Products Industry Act—continued

(2) The common name of a colourable imitation maple product shall appear on the main panel of the main label together with the names of the ingredients contained therein, the phrase "artificially maple flavoured" and the name and address of the manufacturer or packer in a plain and legible size of type, reasonably proportionate to the size of the package.

7. When maple products are shipped by a manufacturer, packer, or licensed sugar bush in any package concealing wholly or partially the contents, the package shall be marked with

- (a) a true and correct description of the contents of the package;
- (b) the net weight;
- (c) the licence number; and
- (d) the name and address or in the case of a firm or corporation the firm or corporate name and address of the manufacturer, packer or licensed sugar bush.

8. (1) All shipments to the United States of America of maple products in excess of six gallons of maple syrup or 50 lbs. of maple sugar shall be accompanied by a Certificate of Analysis in the form prescribed by these regulations and signed by a qualified chemist.

(2) Collectors of Customs shall not permit any shipment to be exported to the United States of America unless it is accompanied by such Certificate of Analysis; provided that carlot shipments of maple products may be so exported if, in lieu of a completed Certificate of Analysis, there is attached thereto or endorsed thereon a signed statement of the importer that the shipment is to be deleaded in his own premises.

(3) One copy of the Certificate of Analysis if completed, or having the importer's endorsement thereon or attached thereto, shall be attached to the Consular Invoice and a copy shall accompany the shipping documents and be detached by or surrendered to the Collector of Customs and Excise at the Canadian frontier port of exit to be attached to the Departmental copy of Form B.13.

9. Packages that have contained maple products shall not again be used for maple products until all marks have been completely removed or erased without affecting the appearance of the package.

10. (1) An inspector may, if he has reason to believe that any maple product or colourable imitation or adulterated maple product fails to comply with the provisions of the Act or these regulations, place the same under seizure and affix a detention tag thereto.

(2) An inspector may seize and detain for disposal as the Minister may direct any article of food found in any premises where maple products are manufactured or stored and which may be used in the manufacture of adulterated maple products.

(3) An inspector may seize and detain for disposal as the Minister or a Court of competent jurisdiction may direct any equipment which has been or may be used in the manufacture of adulterated maple products.

(4) An inspector shall place under detention for disposal as the Minister may direct any maple product found to be in any way unfit for food.

Maple Products Industry Act—continued

11. Every manufacturer, packer and sugar bush operator shall observe the following sanitary requirements:

- (a) All manufacturing or packing plants shall be suitably lighted and ventilated;
- (b) All operations in connection with the preparation or packing of maple products shall be carried on with strict cleanliness;
- (c) All appliances including vats, kettles, containers, tables, trucks, machines or other equipment shall be kept clean and sanitary;
- (d) Employees of any manufacturer, packer or licensed sugar bush operator engaged in handling maple products shall be free of communicable diseases;
- (e) Coverings used by owners or employees to protect their clothing or persons shall be of material easily cleaned and shall be kept clean;
- (f) Dressing rooms and laboratory accommodation shall be ample and clean and shall be entirely apart from any room or compartment used for the storing or production of maple products;
- (g) No lavatory, sink or cesspool shall be so situated or maintained as to permit any odours or fumes therefrom to pervade any room where any maple product is being manufactured, prepared or stored.

12. Chemical methods of determining the purity of maple products shall be as defined by the Association of Official Agricultural Chemists.

13. (1) A fee of \$5.00 shall be paid by the applicant to the Receiver General of Canada for the complete analysis of any maple product as to purity and \$2.00 for any partial analysis thereof;

(2) A fee of \$10.00 shall be paid by the owner to the Receiver General of Canada for the complete analysis of any sample of a maple product taken by an inspector and believed to violate the provisions of the Act or these regulations.

14. (1) The Official Analyst shall so certify any sample of a maple product submitted by an inspector which is found by the analyst to be adulterated.

(2) Any person who believes that any analysis made by an Official Analyst of any sample of a maple product submitted by an inspector is in error, may, within twenty days of the date of mailing or delivering of the certificate of analysis to him, notify the Fruit and Vegetable Division, Marketing Service, Department of Agriculture, or an inspector thereof that he intends to present evidence of error in such analysis; otherwise the analysis shall be taken as accurate.

15. (1) Every manufacturer or packer shall keep an accurate record, in a special book maintained for the purpose, of the quantity in gallons or pounds of all maple products purchased or sold by him, together with the date of the purchase or sale, the name and address of the person from or to whom the maple product was purchased or sold, and the name of the railway or steamship company or other carrier by which it was carried.

(2) True copies of all entries in such book shall be submitted on request to the Fruit and Vegetable Division, Marketing Service, Department of Agriculture, or an inspector thereof.

Maple Products Industry Act—continued

16. Maple Syrup shall not contain more than thirty-five per cent of water. A gallon of maple syrup shall weigh not less than 13 lbs. 2 ozs. and shall contain 277.274 cubic inches.

17. Maple sugar shall consist entirely of the solid or pulverized product resulting from the evaporation of maple sap or of maple syrup, and shall contain not more than ten per cent of water.

18. Maple Butter shall consist entirely of the product of maple sap and shall contain not more than fifteen per cent of water.

19. Maple Cream shall consist entirely of the product of maple sap and shall contain not more than fifteen per cent of water.

20. Maple Wax shall consist entirely of the product of maple sap and shall contain not more than fifteen per cent of water.

21. The following shall be the grades for maple syrup when offered for sale, sold, exposed or held for sale under a grade designation:—

- (a) *Canada Fancy* shall consist of maple syrup weighing not less than 13 pounds 2 ounces per gallon and containing not more than thirty-five per cent of water; not darker than No. 3 standard colour solution standardized spectrophotometrically (very light amber); and with a mild characteristic maple flavour free from any trace of fermentation.
- (b) *Canada Light* shall consist of maple syrup weighing not less than 13 pounds 2 ounces per gallon and containing not more than thirty-five per cent of water; not darker than No. 6 standard colour solution standardized spectrophotometrically (light amber); and with a mild characteristic maple flavour free from any trace of fermentation.
- (c) *Canada Medium* shall consist of maple syrup weighing not less than 13 pounds 2 ounces per gallon and containing not more than thirty-five per cent of water; not darker than No. 9 standard colour solution standardized spectrophotometrically (slightly darker than amber); and with a characteristic maple flavour free from any trace of fermentation.
- (d) *Canada Dark* shall consist of maple syrup weighing not less than 13 pounds 2 ounces per gallon and containing not more than thirty-five per cent of water; may be darker than the No. 9 standard colour solution; of characteristic maple flavour, but with a trace of fermentation or sappiness permitted.

22. The following shall be the grades for maple sugar when offered for sale, sold, exposed or held for sale under a grade designation:—

- (a) *Canada Light* shall consist entirely of the solid or pulverized product resulting from the evaporation of maple sap or maple syrup and shall contain not more than ten per cent of water, light amber or straw colour and with a mild characteristic maple flavour;
- (b) *Canada Medium* shall consist entirely of the solid or pulverized product resulting from the evaporation of maple sap or of maple syrup and shall contain not more than ten per cent of water, slightly darker than amber or straw colour and with a characteristic maple flavour;

Maple Products Industry Act—concluded

- (c) *Canada Dark* shall consist entirely of the solid or pulverized product resulting from the evaporation of maple sap or of maple syrup and shall contain not more than ten per cent of water, may be dark in colour and with a characteristic maple flavour.
23. Any certificate of analysis purporting to be signed by an official analyst under this Act shall be *prima facie* evidence of the facts cited in such certificate and conclusive evidence of the authority of the person giving or making the same without any proof of appointment or signature.

MARINE AND AVIATION WAR RISKS ACT. (R.S.C., 1952, c. 328)

No regulations have been made under this statute.

**MARITIME COAL PRODUCTION ASSISTANCE ACT.
(R.S.C., 1952, c. 173)**

No regulations have been made under this statute.

MEAT AND CANNED FOODS ACT. (R.S.C., 1952, c. 177)

	Page
1. <i>Processed Fruit and Vegetable Regulations</i>	2102
2. <i>Meats, regulations governing the inspection</i>	2163
3. <i>Canned fish and shellfish and cannery inspection regulations</i>	2190

1. Processed Fruit and Vegetable Regulations
P.C. 1954-895

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 17th day of June, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to section 4 of the Meat and Canned Foods Act, is pleased to order as follows:

1. The Processed Fruit and Vegetable Regulations established by Order in Council P.C. 2491 of 3rd June, 1948, as amended, are hereby revoked; and
2. The annexed “Processed Fruit and Vegetable Regulations” are hereby made and established in substitution for the regulations hereby revoked.

PROCESSED FRUIT AND VEGETABLE REGULATIONS
Short Title

1. These regulations may be cited as the *Processed Fruit and Vegetable regulations*.

Meat and Canned Foods Act—continued

Interpretation

2. (1) In these regulations

- (a) "Act" means the Meat and Canned Foods Act;
- (b) "brine pack" means the process where water and salt is used as the packing medium;
- (c) "container" means any receptacle in which a food product is packed;
- (d) "establishment" means any packing house or other premises in which fruit or vegetables, or any product thereof, are prepared for food for export or are stored for export;
- (e) "first dealers" means
 - (i) any packer who buys food products packed by another for sale under his own label, or
 - (ii) any person operating premises at which he pays business tax or otherwise is assessed as a wholesale or retail dealer who buys food products for sale under his own label;
- (f) "food product" means any article of food prepared in whole or part from fruit or vegetable;
- (g) "head space" means that space between the top edge or rim of the container and the upper level of the contents;
- (h) "inspector" means an inspector appointed under the Act;
- (i) "label" means any printed, stencilled, lithographed or embossed label, sticker, seal, wrapper, stencil or receptacle upon which are shown the requirements of these regulations;
- (j) "Minister" means the Minister of Agriculture;
- (k) "package" means any box, basket, carton or other receptacle used for the transportation of containers of food products, or anything in which such products are wrapped or bound together;
- (l) "solid pack fruit" means fruit that has been partially or wholly pre-cooked without sugar before processing so as to allow the fruit to pack closely;
- (m) "syrup pack" means the process where water and sugar is used as the packing medium;
- (n) "vacuum pack" means the process where a minimum quantity of packing medium is used and a vacuum is created mechanically;
- (o) "water pack" means the process where water is used as the packing medium.

(2) Whenever by these regulations any power or authority is conferred on the Minister, the power or authority may be exercised on his behalf by the Director of Marketing Service, Department of Agriculture, the Associate Director of Marketing Service, Fruit and Vegetable Products, or such other person as the Minister may designate.

Registration of Establishments

3. No person shall operate an establishment unless the establishment is registered with the Minister and a certificate of registration has been issued therefor.

Meat and Canned Foods Act—continued

4. (1) The Minister may, upon application therefor, issue a certificate of registration in respect of an establishment if in his opinion the establishment complies with the requirements of these regulations, and the Minister is satisfied that the establishment will be operated in accordance with these regulations.

(2) A certificate of registration may be issued in respect of an establishment that in the opinion of the Minister complies with the following requirements:

- (a) the establishment is clean, suitably lighted and ventilated;
- (b) windows, doors and other openings suited to screening are screened to prevent the entrance of insects;
- (c) the establishment has adequate lavatory, washing and dressing facilities for employees, and all rooms used for such purposes are sanitary and fully equipped and have direct outside light and ventilation;
- (d) there are adequate provisions for the prompt disposal of refuse or by-products;
- (e) there are adequate and sufficient drainage facilities for the establishment and the land immediately adjacent thereto;
- (f) no lavatory, sink or cesspool is so situated as to permit any odours or fumes therefrom to pervade any room where food or food products are prepared or stored;
- (g) there are adequate facilities for thorough cleaning of equipment.

(3) An establishment shall be operated in accordance with the following requirements:

- (a) all premises shall at all times be kept in a clean and sanitary condition;
- (b) all operations in the preparation of packing of food or food products shall be carried out carefully and under strict sanitary control;
- (c) all containers shall be clean and sanitary;
- (d) lavatories, dressing rooms and washrooms shall at all times be kept clean and sanitary;
- (e) all yards, out-houses and other premises and all approaches to the plant shall be kept clean and sanitary;
- (f) no lavatory, sink, or cesspool shall be so maintained as to permit any odours or fumes therefrom to pervade any room where food or food products are stored or prepared;
- (g) no food or food product shall be permitted to come into contact with any substance that may have a deleterious effect on the quality of the finished product;
- (h) all employees in and about the establishment shall be free from infectious, contagious or other diseases and, whenever an inspector so requires, a medical examination of an employee shall be made;
- (i) clothing worn by employees shall at all times be kept clean and sanitary, and all employees shall wear proper hair covering to prevent the entrance of hair into food products;
- (j) the plant management shall designate one person who will be responsible for maintaining the sanitation requirements.

Meat and Canned Foods Act—continued

5. Upon registration every establishment shall be assigned a registration number.

6. The owner or operator of an establishment in respect of which a certificate of registration has been issued shall post and keep posted the certificate in a conspicuous place on the establishment for so long as the certificate is in force.

7. The Minister may prescribe the forms of certificate of registration.

8. Every certificate of registration shall remain in force until cancelled, suspended or surrendered.

9. The Minister may cancel or suspend a certificate of registration if in his opinion the establishment does not comply with the requirements of these regulations or if in his opinion the owner or operator of the establishment has violated or failed to comply with any of the provisions of the Act or of these regulations.

10. A certificate of registration may not be assigned or transferred.

Inspectors

11. The owner or operator of an establishment shall, at the request of an inspector, furnish the inspector, free of charge, with samples of any food product or any drug, dye, preservative or other ingredients used in the preparation of food products.

12. Whenever, in the opinion of an inspector, any food or food product or any drug, dye, preservative or other ingredient used in an establishment in the preparation of a food product is unsound or unwholesome, the inspector may seize and destroy or otherwise dispose of the entire stock from which the sample was taken and any products in which such stock was used.

13. An inspector may seize and destroy or otherwise dispose of any food or food product found by him in an establishment and that in his opinion is decomposed, diseased or otherwise unfit for food.

14. (1) An inspector may seize and detain in any premises any food or food product or any article by means of or in relation to which he reasonably believes an offence against the Act or against these regulations has been committed, by attaching a numbered detention tab to at least one package of the lot of food or food product.

(2) Immediately after attaching such detention tag the inspector shall deliver or mail to the owner or person in possession of the food or food product a duly completed form of notice of detention.

(3) No person shall alter, deface or destroy any such detention tag and no person shall remove such detention tag unless first authorized in writing by an inspector.

(4) No person shall tamper with, sell or offer for sale or move, allow or cause to be moved from such premises any such detained food or food product unless first authorized in writing by an inspector.

(5) Upon the release of a food or food product from detention, the inspector shall deliver or mail to the owner or person in possession of the detained food or food product a duly completed form of release.

Purity of Food

15. All food or food products used or produced in an establishment shall be sound, wholesome, and in every way fit for food.

Meat and Canned Foods Act—continued

16. All fruit or vegetable juice canned in an establishment shall be the clean, unfermented liquid product obtained from fresh, ripe fruit or vegetable and shall be named to correspond to the fruit or vegetable from which it is obtained.

17. Except as authorized by these regulations, no person shall use any preservatives other than salt, sugar or dextrose, or any colour, drug, vitamin, artificial flavour, conditioner, glucose or other substitute for sugar in the preparation of food products in an establishment.

18. Food colours used in an establishment shall be the colours permitted by the Food and Drug Regulations and shall be used only in accordance with the requirements of the Food and Drug Regulations.

19. (1) Preservatives shall be the preservatives designated in the Food and Drug Regulations as Class II preservatives and shall be used in accordance with the requirements of the Food and Drug Regulations.

(2) Not more than one preservative shall be used in any food product prepared in an establishment.

20. Sugar (chemically known as sucrose) used in the preparation of food products in an establishment shall be the product found in commerce as obtained from sugar cane or sugar beet and shall be in accordance with the requirements of the Food and Drug Regulations.

21. Dextrose used in the preparation of food products in an establishment shall be the product chemically known as dextrose and shall be in accordance with the requirements of the Food and Drug Regulations.

22. Glucose used in the preparation of food products in an establishment shall be a thick, syrupy, nearly colourless product made by the incomplete hydrolysis of starch or a starch-containing substance and shall be in accordance with the requirements of the Food and Drug Regulations.

Labelling

23. (1) Except as otherwise provided in these regulations, all containers of food products prepared in an establishment shall be labelled in the establishment with

- (a) the full name and address of the packer as it appears on the certificate of registration for the establishment or, where the containers were packed for a first dealer, with the words "Packed for" or "Distributed by....", together with the full name and address of the first dealer;
- (b) the true and correct name of the food or food product or in the case of mixed food or food product the names of the ingredients in order of predominance;
- (c) the true and correct grade according to these regulations;
- (d) the volume or net weight designation of containers for which standard sizes have been established by these regulations;
- (e) the true and correct declaration of volume or net weight of containers for which standard sizes have not been established;
- (f) the words "Solid Pack" if the product is not a water or syrup pack;
- (g) the words "In Water", if the product was packed in water;
- (h) the percentage of sugar added or the words "Unsweetened" or "Without Sugar", if the product is a fruit or fruit juice;

Meat and Canned Foods Act—continued

- (i) a declaration of added salt where required by these regulations;
- (j) a declaration of colour as prescribed by these regulations;
- (k) a declaration of artificial flavour as prescribed by these regulations;
- (l) a declaration by name of the preservative as prescribed by these regulations;
- (m) the words "Contents .. per cent slack filled" or "Contents .. per cent short weight", together with a statement of the correct percentage, if the container is slack filled or contains less than the minimum net and drained weights prescribed by these regulations;
- (n) a code or date to show the date of packing, if the product is apple juice or a tomato product;
- (o) the words "Vitaminized Apple Juice" together with the words "Contains not less than 35 mgms. of Vitamin C per 100 cc.", if the product is apple juice containing not less than 35 mgms. of Vitamin C per 100 cc.

(2) When the label shows the name and address of the first dealer the establishment number or a code of identification of the packer shall be marked on the label or embossed on the container.

(3) Food products packed in sugar syrup in an establishment shall be labelled to show the density of the syrup (e.g., "...% sugar syrup" or, if dry sugar "...% sugar") which shall not be less than the minimum strength prescribed in subsections (4) and (5).

(4) The following are the minimum sugar syrup strengths for canned fruits or frozen fruits:

Fruits	Brix Measurement
Loganberries.....	per cent 50
Apricots.....	
Cherries, sour.....	45
Peaches.....	
Rhubarb.....	
Strawberries.....	
Blackberries.....	
Boysenberries.....	
Crabapples.....	
Currants.....	40
Fruit cocktail.....	
Fruits for salad.....	
Gooseberries.....	
Lawtonberries.....	
Maraschino cherries.....	
Nectarberries.....	
Raspberries, all varieties.....	35
Thimbleberries.....	
Pears, Bartlett, Flemish Beauty and other similar varieties.....	
Apples.....	30
Blueberries.....	
Cherries, sweet.....	
Grapefruit.....	25
Plums.....	
Cantaloupe.....	
Grapes.....	25
Pears, Kieffer, Clapp and other similar varieties.....	

Meat and Canned Foods Act—continued

(5) The following are the minimum percentages of dry sugar for frozen fruits:

Fruits	Minimum percentage of sugar
	per cent
Cherries, red, sour.....	30
Berries, all varieties.....	20
Apples.....	20
Rhubarb.....	20
Fruits, for re-manufacturing (10-lb. packages or over).....	10
Fruits for pies.....	10

24. The lettering of the declaration specified in this section shall be conspicuous, legible and not less prominent than any other lettering on the label and the minimum sizes thereof (actual measurement) shall be as follows:

Declaration	Over 10 ozs.	10 ozs. and under
Declaration of grade.....	3/8"	1/4"
Substandard.....		
Volume declaration (glass containers only).....		
Net weight declaration (frozen products).....	1/4"	1/4"
Bleached with sulphite of soda.....	1/4"	3/16"
Contains sulphur dioxide.....		
Degree of sugar syrup, dry sugar.....		
"Dried "or "Soaked" Lima Beans.....		
Net weight declaration (other than frozen products).....		
Packed in water.....		
"Ripe" or "Soaked" peas.....		
Slack filled or short weight.....		
Solid pack.....		
Size declaration (ungraded as to size, etc.).....		
Unbleached.....		
Unpeeled or unpitted.....		
Unsweetened, without sugar.....		
Vitaminized, crushed, unclarified apple juice.....		
Volume declaration (other than glass containers).....		
Artificial flavour.....	3/32"	1/16"
Conditioner declaration.....		
List of ingredients.....		
Permitted colour.....		
Preservative.....		
Salt declaration.....		
Seasoning.....		
Sugar substitute.....	3/32"	1/16"
Vitamin C declaration.....		
Others (vacuum packed, no salt added, etc.).....	3/32"	1/16"

25. (1) Subject to subsection (2) the volume designation of the container as prescribed by these regulations shall be indicated as illustrated

Meat and Canned Foods Act—continued

in this subsection with the numeral not less than one-quarter of an inch in height on containers over ten ounces and not less than three-sixteenths of an inch in height on containers of ten ounces and under.



(2) The volume designation of glass containers as prescribed by these regulations may be indicated as illustrated in this subsection with the numeral not less than three-eighths of an inch in height on containers over ten ounces and not less than one-quarter of an inch in height on containers of ten ounces and under; the designation shall appear twice on the shoulder or upper part of the container in blown block lettering with flat stippled face.

FL 24 oz

(3) Notwithstanding subsections (1) and (2), the net weight designation for containers of frozen, dehydrated fruits and vegetables, glace fruit and mixed peel shall be indicated as illustrated in this subsection; in the case of frozen products the numeral shall not be less than one-quarter of an inch in height; in the case of dehydrated products, glace fruit and mixed peel the numeral shall not be less than one-quarter of an inch in height on containers over ten ounces and not less than three-sixteenths of an inch on containers ten ounces and under.



26. (1) The grade declaration on the container as prescribed by these regulations shall be indicated as illustrated in this subsection with the lettering not less than three-eighths of an inch in height on containers over ten ounces and not less than one-quarter of an inch in height on containers of ten ounces and under.

CANADA CHOICE

or

CANADA

CHOICE

Meat and Canned Foods Act—continued

(2) Notwithstanding subsection (1), the grade declarations as prescribed by these regulations on products imported into Canada shall be indicated as illustrated in this subsection with the lettering not less than three-eighths of an inch in height on containers over ten ounces and not less than one-quarter of an inch in height on containers of ten ounces and under.

CHOICE GRADE

or

CHOICE

GRADE

27. (1) When the brand name or other description on the label of any food product packed in an establishment suggests that the product was packed in a country other than Canada, the label shall state that the product was packed in Canada and such statement shall appear in letters not less than one-quarter of an inch in height and shall be not less prominent than any other lettering on the label.

(2) When an imported food product is sold under a Canadian first dealer label, the label shall state the country where the product was packed in letters not less than one-quarter of an inch in height and shall be not less prominent than any other lettering on the label.

(3) When the brand name on the label of any food product packed in an establishment is a geographical name, the label shall carry the word "Brand" immediately below the brand name.

(4) Labels on food products packed in an establishment shall conform to the following additional requirements:

- (a) when the label designates a particular variety of fruit or vegetable, the label shall truly and correctly designate such variety;
- (b) when the true and correct name of the product contains two or more fruits or vegetables these shall be named in type of equal size with the predominating fruit or vegetable named first;
- (c) the declaration "with added pectin" or "with added fruit juice" shall appear in letters of at least one-half the height of the name of the product, shall be not less prominent than any other lettering on the label and shall appear immediately below the name of the product; and
- (d) the labelling of pure orange marmalade may include the word "Seville", "Extra Bitter", "Bitter" or "Sweet" according to the facts.

28. (1) All information required by these regulations to be marked on a container shall appear legibly and conspicuously on the label.

(2) The grade, size, volume and sugar declarations to be marked on a container shall appear on a panel of the label not exceeding one-third of the length of the label.

Meat and Canned Foods Act—continued

(3) Notwithstanding subsection (2), rectangular style containers shall have all information required by these regulations marked on either the top, one side, or the top and one side panel of the label.

29. The contents of a container packed in an establishment shall in every respect conform to the statements and declarations appearing on the label.

30. (1) No person shall label any container of a food product packed in an establishment in a manner describing the grade of any contents or size or capacity of the container otherwise than as prescribed by these regulations.

(2) Subsection (1) does not apply to any statement necessarily incidental to any recipe appearing on the label.

31. (1) No label shall be used in an establishment unless the label has been approved by the Minister.

(2) All labels intended to be used in an establishment shall first be submitted to the Minister in triplicate for approval and, if approved, one label with the approval endorsed thereon shall be returned to the owner or operator.

(3) The owner or operator shall keep at the establishment all approved labels and shall upon the request of an inspector produce to him for his inspection all approved labels in his possession.

(4) No person other than the owner or operator of an establishment to whom the approval for use of a label was given shall use a label approved by the Minister.

32. (1) Upon application the Minister may

- (a) permit food products to be labelled or relabelled elsewhere than in the establishment where they were packed; and
- (b) permit the shipment within Canada of unlabelled food products for remanufacturing.

(2) An inspector shall attach to or place upon processed fruits or vegetables or products thereof moved pursuant to this section a detention tag and no inspector shall authorize removal of the detention tag until he is satisfied that the food products have been labelled or relabelled in accordance with these regulations or will be used for remanufacturing purposes.

33. All packages in which containers of food products are packed shall be marked on one panel with

- (a) the information specified in paragraphs (a), (b) and (c) of subsection (1) of section 23;
- (b) the number and size of the containers therein;
- (c) the registration number of the establishment in which they were prepared.

34. (1) The registration number assigned to one establishment under these regulations shall not be applied to any container or package of food products prepared in another establishment.

Meat and Canned Foods Act—continued

(2) No establishment shall use any container or package bearing the registration number or other identification mark assigned or belonging to any other establishment.

Containers

35. (1) For the purpose of subsection (3) of section 28 of the Act, the following containers are prescribed for the canned fruits and vegetables and products thereof specified in Table I of the Schedule of these regulations, and for fruit and vegetable juices, soups, spaghetti in tomato sauce, infant foods and junior foods:

I. Metal Containers

(overall dimensions are expressed in the manner used in the industry, e.g. "211" means $2\frac{11}{16}$ inches).

Products	Volume Designation	Diameter and Height
Fruits, sugar syrup or water pack (except as specifically provided hereinafter).....	10 fluid ozs.	211 x 400
	15 " "	{ 300 x 407
		307 x 309
	20 " "	307 x 409
	28 " "	401 x 411
	48 " "	404 x 700
Fruits, solid pack including pie filler.....	105 " "	603 x 700
	15 fluid ozs.	{ 300 x 407
		307 x 309
	20 " "	307 x 409
	28 " "	401 x 411
	48 " "	404 x 700
Fruit and Vegetable Juices.....	105 " "	603 x 700
	6 fluid ozs.	202 x 308
	10 " "	211 x 400
	15 " "	300 x 407
	20 " "	307 x 409
	28 " "	401 x 411
Vegetables (except as specifically provided hereinafter)	48 " "	404 x 700
	105 " "	603 x 700
	10 fluid ozs.	211 x 400
	15 " "	{ 300 x 407
		307 x 309
	20 " "	307 x 409
Asparagus.....	28 " "	401 x 411
	48 " "	404 x 700
	105 " "	603 x 700
	12 fluid ozs.	211 x 409
	20 " "	307 x 409
	28 " "	401 x 411
Beans with Pork, Beans, Vegetarian Beans.....	48 " "	404 x 700
	105 " "	603 x 700
	5 fluid ozs.	211 x 200
	8 " "	211 x 304
	10 " "	211 x 400
	15 " "	{ 300 x 407
		401 x 212
	20 " "	307 x 409
	28 " "	401 x 411
	48 " "	404 x 700
	105 " "	603 x 700

Meat and Canned Foods Act—continued

Products	Volume Designation	Diameter and Height
Vacuum Pack Corn.....	8 fluid ozs. 14 “ “	211 x 304 307 x 306
Corn-on-Cob.....	Number of cobs	401 x 411 401 x 508 404 x 508 404 x 700
Infant Foods, Junior Foods.....	5 fluid ozs. 8 “ “	202 x 214 211 x 304
Mushrooms.....	5 fluid ozs. 10 “ “ 15 “ “ 20 “ “ 28 “ “ 48 “ “	{211 x 200 202 x 214 211 x 400 300 x 407 307 x 409 401 x 411 404 x 700
Soups, condensed.....	10 fluid ozs. 20 “ “ 28 “ “ 48 “ “ 105 “ “	211 x 400 307 x 409 401 x 411 404 x 700 603 x 700
Soups, ready-to-serve.....	8 fluid ozs. 15 “ “ 28 “ “ 48 “ “ 105 “ “	211 x 304 300 x 407 401 x 411 404 x 700 603 x 700
Spaghetti in Tomato Sauce.....	5 fluid ozs. 8 “ “ 10 “ “ 15 “ “ 20 “ “ 28 “ “ 48 “ “ 105 “ “	211 x 200 211 x 304 211 x 400 300 x 407 307 x 409 401 x 411 404 x 700 603 x 700
Tomato Paste.....	6 fluid ozs. 14 “ “ 28 “ “ 48 “ “ 105 “ “ 126 “ “	202 x 308 300 x 400 401 x 411 404 x 700 603 x 700 603 x 812
Tomato Pulp or Puree.....	28 fluid ozs. 48 “ “ 105 “ “ 126 “ “	401 x 411 404 x 700 603 x 700 603 x 812

II. Glass or Other Types of Containers

The actual volume of glass or other types of containers shall correspond to the actual volume of metal containers.

Meat and Canned Foods Act—continued

(2) For the purpose of subsection (3) of section 28 of the Act, the following containers are prescribed for frozen fruits and vegetables and products thereof specified in Table II of the Schedule to these regulations:

(a) containers having the following net weights:

Frozen Product	Net Weight
	Ounces
*Apples.....	15
Apricots.....	15
Asparagus.....	10
Beans—Green or Wax, Cut or French Style.....	10
Lima.....	12
Blackberries.....	15
Blueberries—in sugar syrup.....	15
unsweetened dry pack.....	11
Broccoli.....	10
Brussels Sprouts.....	10
Cantaloupe—in sugar syrup.....	15
dry sugar pack.....	13
Carrots, whole or sliced.....	10
Cauliflower.....	10
Cherries.....	15
Corn, all styles except Corn-on-Cob.....	12
Lawtonberries, thimbleberries, gooseberries, youngberries, currants.....	15
Loganberries.....	15
Mixed fruit products.....	15
Mixed Vegetables.....	11
Peaches.....	15
Peas.....	12
Plums, prune plums.....	15
Pumpkins, squash.....	14
Raspberries—in sugar syrup.....	15
unsweetened dry pack.....	11
Spinach.....	12
Strawberries.....	15

* Unless specified, the weights for frozen fruits are for a sugar syrup pack.

(b) Containers having net weight of two pounds.

(3) For the purpose of subsection (3) of section 28 of the Act, the following containers are prescribed for the products mentioned in this subsection:

Fountain Fruits

32 fluid ozs.
64 " "
105 " "
128 " "

Jams, Jellies, Fruit Spread, Marmalades
and Preserves (Conserves)

(not including Cranberry Sauce or Jellyed Cranberries)

2½ fluid ozs.
6 " "
9 " "
12 " "
24 " "
48 " "

Meat and Canned Foods Act—continued

Maraschino, Creme de Menthe and Cocktail Cherries

	6 fluid ozs.
16	" "
32	" "
64	" "
105	" "
128	" "

Glace Cherries, Glace Pineapple, Cut Orange,
Lemon and Citron Peel, Cut Mixed Peel and Cut
Mixed Fruit

Containers having net weight of 4 ounces, 8 ounces
or 16 ounces.

(4) Containers exceeding the maximum capacities specified in this section may be used, provided the labels for such containers have been approved by the Minister.

Fill

36. (1) All containers of food products prepared in an establishment shall be properly filled and no more syrup, brine or water shall be added than is necessary for proper processing.
- (2) The minimum net and drained weights of containers for canned fruits and vegetables are as follows:

Meat and Canned Foods Act—continued

Product	10 ounce		15 ounce		20 ounce		28 ounce		105 ounce	
	211 x 400		300 x 407 307 x 309		307 x 409		401 x 411		603 x 700	
	Ounces		Ounces		Ounces		Ounces		Ounces	
	Net	Drained	Net	Drained	Net	Drained	Net	Drained	Net	Drained
Apples—										
Solid pack or pie fruit.....										
Syrup pack.....			15	9	19	12	27		97	
Apple Sauce.....			15½		20					
Apricots—					21					
Solid pack or pie fruit.....										85
Syrup pack.....			16	8	21	11				
Asparagus.....					20	12				
Beans—										
Cut.....			15	9	20	12				
Lima.....			15	10	20	14				
Sprouts.....					20	11	28	17		
Whole.....			15	8	20	11				
Beets—										
Diced.....			15	9½	20	13				
Whole.....			15	8	20	12				
Blackberries.....			16	9	21	12				
Blueberries—										
Solid pack.....			15	11	20	15				70
Syrup pack.....			15	9	20	12				
Carrots—										
Diced.....			15	9½	20	13				
Whole.....			15	8	20	12				
Cherries—										
Solid pack or pie fruit.....			15	12	20	15				80
Syrup pack—pitted.....			16	9	21	12				
unpitted.....			16	8	21	11				
Water pack.....			15	10	20	13				

Meat and Canned Foods Act—continued

[illegible]

Meat and Canned Foods Act—continued

(3) The maximum headspace for standard metal containers are as follows:

Volume Designation	Maximum Headspace in inches
5 fluid ounces.....	4/16
6 “ “.....	5/16
8 “ “.....	5/16
10 “ “.....	6/16
12 “ “.....	6/16
14 “ “.....	6/16
15 “ “.....	7/16
20 “ “.....	7/16
28 “ “.....	7/16
48 “ “.....	8/16
105 “ “.....	8/16
126 “ “.....	9/16

(4) The standard of fill of containers for frozen fruits and vegetables is a fill of not less than ninety per cent of the total capacity of the container.

Exports

37. (1) No common carrier shall receive for carriage or carry out of Canada and no person shall ship, consign or transport out of Canada any processed fruit or vegetable or product thereof, unless accompanied by a Certificate of Export signed by an inspector.

(2) Subsection (1) does not apply to sample or gift shipments of a value not exceeding five dollars.

38. No person shall export out of Canada any processed fruit or vegetable or product thereof that is of a quality inferior to the minimum grade or standard prescribed by these regulations for such product.

39. (1) An application for a Certificate of Export shall be made in duplicate to the inspector for the area who, upon completing the inspection, shall initial and return the duplicate copy and forward the original to the Fruit and Vegetable Division, Marketing Service, Department of Agriculture, Ottawa.

(2) The application for a Certificate of Export shall be in the following form:

PlaceDate

I (or we) hereby make application for inspection and “Certificate of Export” for the following shipment for export out of Canada:—

Name of product

Grade claimed Brand

Number of packages Size and number per case

Name of consignee Address

Name of carrier Date to go forward

Meat and Canned Foods Act—continued

I (or we) hereby declare that the said products are sound, wholesome and fit for human food; that they comply in every respect with the provisions of the Meat and Canned Foods Act and the Processed Fruit and Vegetable Regulations.

Name of applicant Address

Signature

40. (1) No Certificate of Export shall be issued by an inspector unless he is satisfied that the food product in respect of which the application is made has been duly inspected and marked according to the provisions of the Act and these regulations.

(2) The Certificate of Export shall be issued in quadruplicate and shall be serially numbered.

(3) The inspector shall forward the original of the Certificate of Export to the Fruit and Vegetable Division, Marketing Service, Department of Agriculture, Ottawa, and three copies to the applicant; the applicant shall deliver the duplicate and triplicate copies to the transportation company and shall mail the quadruplicate to the consignee; the transportation company shall attach the duplicate copy to the Customs Export Entry Form B13 which shall accompany the shipment to the Collector of Customs and Excise at the port of exit and shall file the triplicate copy.

(4) The Certificate of Export shall be in the following form:—

This is to certify that I have received an application for a Certificate of Export duly executed by the applicant.

Exporter Address

Product Grade Brand No. Cases Size and No. per case

.....

Identification marks

Shipping marks

Consignee

Address

Carrier

I certify that, on the date stated below, I inspected samples believed by me to be representative of the above lot and that the markings and the grade of the shipment as shown by said samples meet the requirements of the Meat and Canned Foods Act and the Processed Fruit and Vegetable Regulations.

In consideration of the declaration of the applicant, I herewith issue Certificate of Export.

Date

Inspector under the Meat and Canned Foods Act

41. Way bills, transfer bills, running slips or conductor's cards accompanying any shipment of processed fruits or vegetables or products thereof intended for export out of Canada shall have stamped thereon or attached thereto the following certificate:—

“Shipment inspected and marked as evidenced by Certificate of Export No. on file with the initial carrier

.....
Agent”.

Meat and Canned Foods Act—continued

42. Processed fruits or vegetables or products thereof not labelled or marked in accordance with section 23 may be exported out of Canada if the products comply with the established trade conditions of the importing country, provided

- (a) the establishment number or code is marked on the label or embossed on the container,
- (b) the contract of sale states the grade of the product established by these regulations, or the shipper furnishes a signed statement of the grade ordered and an inspection on this basis has been made before shipment moves, and
- (c) any labels or other marks on the containers do not misrepresent the grade or have thereon any statement of grade inconsistent with the standards established by these regulations.

Imports

43. (1) No person shall import into Canada any processed fruit or vegetable or product thereof that is below the minimum grade established by these regulations for such product.

(2) No person shall import into Canada any processed fruit or vegetable or product thereof unless such entry is accompanied by an import affidavit in duplicate made by the manufacturer or the shipper thereof, before a Justice of the Peace or other person authorized to attest such affidavits, in the following form:—

To the Collector of Customs and Excise,
Canada,

Place

Date

At

I (or we) do solemnly declare that the shipment described herein was manufactured from sound raw materials, and that its manufacture was carried on under the sanitary conditions required by the Processed Fruit and Vegetable Regulations under the Meat and Canned Foods Act of Canada, that the products are at the time of shipment sound, wholesome and fit for human food, that the containers and packages show thereon the true name and address of the manufacturer, or of the first dealer, and that the description of the contents is true and correct and conforms to the grade, container and labelling requirements of the said regulations.

That the shipment is described as follows:

Product	Grade	Brand	No. Cases	Size and No. per case
.....
Identification marks				
Name and address of the actual manufacturer				
Name and address of shipper				
Name and address of consignee				

.....
Signature of Shipper

Sworn to before me this day of 19....

.....
Signature of the Justice of the Peace or other
person authorized to attest affidavit.

Meat and Canned Foods Act—continued

(3) Collectors of Customs and Excise shall forward the duplicate copy of the import affidavit to the inspector at port of entry; if there is no inspector at port of entry the duplicate copy of the import affidavit shall be forwarded to the district inspector for the area.

(4) This section does not apply to sample or gift shipments of a value not exceeding five dollars.

44. (1) All processed fruits or vegetables or products thereof entering Canada are subject to such inspection in Canada as an inspector may deem necessary or advisable, and any such processed fruit or vegetable or product thereof that does not conform to the requirements of these regulations shall be refused entry into Canada or, if entered, shall upon condemnation by an inspector be forfeited to Her Majesty and may be disposed of as the Minister may direct.

(2) Importers shall furnish to the inspector free of charge necessary samples for examination of any processed fruit or vegetable or product thereof being imported and the report of such examination shall be furnished to the importer.

45. (1) Notwithstanding subsection (1) of section 43 and subject to the provisions of this section, the Minister may permit imports of fruits and vegetables and products thereof for remanufacturing purposes.

(2) The words "and conforms to the grade, container and labelling requirements of the said regulations" may be deleted from the import affidavit prescribed by subsection (2) of section 43, but the words "below minimum grade, for remanufacturing purposes only" shall appear legibly and conspicuously on such import affidavit.

(3) An inspector shall attach to or place upon processed fruits or vegetables or products thereof imported for remanufacturing purposes a detention tag and no inspector shall authorize the removal of the detention tag until he is satisfied that the food products are sound, wholesome and fit for food and will be used for remanufacturing purposes.

46. (1) Upon application and subject to the provisions of this section the Minister may permit processed fruits or vegetables or products thereof not labelled or marked in accordance with section 23 to be imported into Canada.

(2) The words "and labelling" may be deleted from the import affidavit prescribed by subsection (2) of section 43, but the words "Product to be labelled or relabelled" or a similar appropriate phrase shall appear legibly and conspicuously on such import affidavit.

(3) An inspector shall attach to or place upon processed fruits or vegetables or products thereof imported pursuant to this section a detention tag and no inspector shall authorize the removal of the detention tag until he is satisfied that the food products have been labelled or relabelled in accordance with these regulations.

Grades and Standards

47. Except where otherwise provided in these regulations, the grades for canned fruits and vegetables are "Canada Fancy", "Canada Choice" and "Canada Standard"; the standards for each grade or food product are

Meat and Canned Foods Act—continued

as prescribed for that grade or food product in table I in the Schedule hereto and the standards so prescribed are applicable to food products of solid pack, water pack, syrup pack, vacuum pack or brine pack.

48. (1) Except where otherwise provided in these regulations, the grades for frozen fruits and vegetables are "Canada Fancy" and "Canada Choice"; the standards for each grade or food product are as prescribed for that grade or food product in table II in the Schedule hereto.

(2) Frozen fruit shall be graded immediately after complete thawing.

(3) Frozen vegetables shall be graded after thawing and cooking for the prescribed length of time.

49. A grade declaration shall appear on all packages of frozen vegetables for which a grade has been established.

50. The addition of salt to frozen vegetables shall be declared on the label.

51. Ascorbic acid may be added to frozen fruit provided such addition is declared on the label as "Contains Ascorbic Acid to prevent discolouration".

52. In frozen vegetables the viable bacteria count shall not exceed 100,000 per gram and organisms of the coliform group shall be absent from 0.1 gram portions; the methods of bacteriological analysis shall be those approved by the Chief, Bacteriology Division, Science Service, Department of Agriculture, Ottawa.

53. Except where otherwise provided in these regulations, the grades for dehydrated fruits and vegetables are "Canada Fancy" and "Canada Choice"; the standards for each grade or food product are as prescribed for that grade or food product in table III in the Schedule hereto.

54. (1) The standards of composition for jams, jellies, marmalades, preserves, fountain fruits, fruit fillers, fruit pulps and glace fruit are as prescribed in table IV in the Schedule hereto.

(2) In table IV in the Schedule hereto an acid ingredient shall consist of citric, malic or tartaric acid, lemon or lime juices, cider, vinegar, or any combination of such acid ingredients.

55. All grades and standards prescribed in the Schedule hereto contemplate that the food and all articles used as components or ingredients thereof shall be clean, sound, wholesome and fit for food; a provision in such grades or standards for the use of colouring or flavouring does not authorize such use under circumstances or in a manner whereby damage or inferiority is concealed or whereby the food is made to appear better or of greater value than it is.

56. A grade shall not be claimed for any processed fruit and vegetable or product thereof for which a grade has not been provided in the appropriate table in the Schedule hereto.

57. Any processed fruit and vegetable or product thereof, if wholesome and fit for food, but fails to meet the lowest grade prescribed for such product shall be graded and labelled as "Sub-Standard".

Meat and Canned Foods Act—continued

SCHEDULE

Table I

CANNED FRUITS AND VEGETABLES

1. APPLE PRODUCTS

(1) *Apple Juice*

(a) *Canada Fancy*—Apple juice that possesses the natural flavour and aroma of ripe apples, a bright characteristic amber colour which is clear and transparent, a specific gravity of not less than 1.048 and not more than 1.060 when tested with a suitable hydrometer at the temperature indicated for the instrument used; the acidity shall not be less than 0.40 per cent and not more than 0.70 per cent of malic acid, calculated in terms of per cent by volume; exception may be made for juice showing acidity between 0.70 and 0.80 per cent providing the amount of natural sugars (water soluble solids) is not less than 13 per cent as estimated by the refractometer; exception may be made for juice showing a specific gravity in excess of 1.06 providing the minimum malic acid content is 0.60 per cent; and is free from particles of apple pulp, seeds and other residue; if prepared without filtration or clarification the juice may be hazy in appearance but shall be free from visible suspended particles and marked “Unclarified Apple Juice”, or “Opalescent Apple Juice”; if processed to include a substantial proportion of the pulp the product shall be designated “Crushed Apple Juice”.

(b) *Canada Choice*—Apple juice that possesses the natural flavour and aroma of ripe apples, a characteristic amber colour which is practically clear and transparent, a specific gravity of not less than 1.043 and not more than 1.065 when tested with a suitable hydrometer at the temperature indicated for the instrument used; the acidity shall not be less than 0.35 per cent and not more than 0.70 per cent of malic acid calculated in terms of per cent by volume; exception may be made for juice showing acidity between 0.70 and 0.80 per cent providing the amount of natural sugars (water soluble solids) is not less than 12 per cent as estimated by the refractometer; and is free from particles of apple pulp, seeds and other residue; if prepared without filtration or clarification the juice may be very hazy in appearance but shall be free from visible suspended particles and marked “Unclarified Apple Juice”, or “Opalescent Apple Juice”; if processed to include a substantial proportion of the pulp the product shall be designated “Crushed Apple Juice”.

(2) *Apple Sauce*

(a) *Canada Fancy*—Apple sauce that possesses a good distinctive apple flavour and aroma, a good uniform bright characteristic colour, a consistency that when stirred and emptied at room temperature from the container to a dry flat surface forms a moderately mounded mass and at the end of two minutes there shall be practically no separation of free liquor, a granular appearance; is practically free from particles of seed, skin, bruised particles, hard particles, carpel tissue and other objectionable particles.

(b) *Canada Choice*—Apple sauce that possesses a fairly good apple flavour and aroma, a fairly good uniform colour which may be somewhat dull, a consistency that when stirred and emptied at room temperature from the container to a dry flat surface it flows just enough to level itself and

Meat and Canned Foods Act—continued

at the end of two minutes there may be a slight separation of free liquor, a fairly granular appearance that is not pasty; is practically free from particles of seed, skin, bruised particles, carpel tissue and other objectionable particles.

(c) *Canada Standard*—Apple sauce that possesses a reasonably good apple flavour and aroma, a reasonably good colour which is free from heavy discolouration due to scorching, oxidation or other causes; may have a moderate but not excessive separation of free liquor; may be pasty or very coarse with apple particles unevenly divided; is reasonably free from particles of seed, skin, bruised particles, carpel tissue and other objectionable particles.

(3) Vitaminized Apple Juice

*Vitaminized Apple Juice** shall comply with the requirements of Canada Fancy and Canada Choice Apple Juice and in addition, the product shall contain not less than 35 mgms. of biologically active ascorbic acid per 100 cc. of juice, determined by the indophenol titration method, at any time within twelve months from the date of packing.

* The fortification of apple juice with ascorbic acid (Vitamin C) is covered by Patent No. 395770. The patent rights have been surrendered to Her Majesty. Processors may apply for details of the equipment prerequisite for licensed use of the patent. Application for licence should be certified by the local inspector.

2. APPLES

(a) *General Requirement*—Calcium chloride, calcium citrate, mono-calcium phosphate, calcium sulphate, or any combination of these may be used to condition the apples provided that the presence of such conditioner is declared on the label, and provided also that the amount of such conditioner, calculated as calcium, shall not be more than 0.026 per cent by weight of the finished product.

(b) *Canada Fancy*—Apples that possess similar varietal characteristics, a normal flavour and odour, a practically uniform bright characteristic colour, a tender texture; are evenly cut, 90 per cent uniform in size and shape, 95 per cent free of mushy and broken pieces, 90 per cent free of pieces containing core and are practically free from peel, insect injury and other defects.

(c) *Canada Choice*—Apples that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform bright characteristic colour, a fairly tender texture; are fairly evenly cut, 80 per cent uniform in size and shape, 85 per cent free of mushy and broken pieces, 80 per cent free of pieces containing core and are practically free from peel, insect injury and other defects.

(d) *Canada Standard*—Apples that possess a normal flavour and odour, a reasonably uniform colour, a reasonably tender texture; are reasonably evenly cut, 60 per cent uniform in size and shape, 75 per cent free of mushy and broken pieces, 60 per cent free of pieces containing core and are fairly free from peel, insect injury and other defects.

3. APRICOTS

(a) *Canada Fancy*—Apricots that possess similar varietal characteristics, a normal flavour and odour, a practically uniform bright colour typical of well-matured apricots, a tender texture; are fairly uniform in size and shape, are not less than one and one-half inches in diameter and are practically free from blemishes, crushed or broken pieces, loose pits, stems and other defects; the syrup shall be fairly clear.

Meat and Canned Foods Act—continued

(b) *Canada Choice*—Apricots that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform colour typical of well-matured apricots, a fairly tender texture; are fairly uniform in size and shape, are not less than one and one-quarter inches in diameter and are practically free from blemishes, crushed or broken pieces, loose pits, stems and other defects; the syrup shall be fairly clear.

(c) *Canada Standard*—Apricots that possess a normal flavour and odour, a reasonably uniform colour, size and texture; and are fairly free from blemished, crushed or broken pieces, loose pits, stems and other defects; the syrup shall be reasonably clear.

4. ASPARAGUS

(1) *Asparagus (Cuts or Cuttings)*

(a) *Canada Fancy*—Asparagus that possess similar varietal characteristics, a normal flavour and odour, a practically uniform colour, a texture typical of crisp, tender asparagus that are free from any coarse, fibrous or woody material; contain 20 per cent by count of compact heads; are evenly cut from whole spears to a uniform length not exceeding one and one-half inches and are practically free from dirt, disease injury, insect injury and other defects; the brine shall be clear.

(b) *Canada Choice*—Asparagus that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform colour, a texture typical of fairly crisp, tender asparagus that are 90 per cent free from any coarse, fibrous or woody material; contain 10 per cent by count of compact heads; are fairly evenly cut to a length not exceeding one and one-half inches and are practically free from dirt, disease injury, insect injury and other defects; the brine shall be fairly clear; this product may be packed without tips if appropriately labelled with the words "tips removed" or "without tips" appearing directly below the name of the product and in type of equal size not less prominent than the name of the product.

(c) *Canada Standard*—Asparagus that possess a normal flavour and odour, a reasonably uniform colour, a reasonably good texture that is 80 per cent free from coarse, fibrous or woody material; are reasonably uniformly cut to a length not exceeding one and one-half inches and are reasonably free from dirt, disease injury, insect injury and other defects.

(2) *Asparagus (Tips or Spears)*

(a) *General Requirements*—

- (i) The asparagus shall be packed parallel and as closely together as practicable without injury to the product, shall approximate in length the inside height of the can and shall not be over four and one-half inches in length.
- (ii) When asparagus is graded for size, the following shall be the optional number and word designations for the corresponding sizes of asparagus as outlined herein:

Approximate diameter of base of spears (in inches)	Number designation	Optional word designation
3/8.....	Size 1	Small
4/8.....	Size 2	Medium
5/8.....	Size 3	Large

Meat and Canned Foods Act—continued

- (iii) When asparagus is not graded for size, it shall be labelled “Ungraded as to Size”, “Assorted Sizes” or “Mixed Sizes”.
- (b) *Canada Fancy*—Asparagus that possess similar varietal characteristics, a normal flavour and odour, a uniform colour, a texture typical of crisp, compact, tender asparagus that are not flowered in any way, a uniform size when size is claimed; and are practically free from woody butts, decay, crooked tips or spears, dirt, disease injury, insect injury and other defects; the brine shall be clear.
- (c) *Canada Choice*—Asparagus that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform colour, a texture typical of fairly crisp, compact, tender asparagus, a fairly uniform size when size is claimed; and are practically free from woody butts, decay, crooked tips or spears, dirt, disease injury, insect injury and other defects; the brine shall be fairly clear.
- (d) *Canada Standard*—Asparagus that possess a normal flavour and odour, a reasonably uniform colour and size, a fairly good texture that is at least 80 per cent free from coarse, fibrous or woody butts; and are fairly free from decay, crooked tips or spears, dirt, disease injury, insect injury and other defects.

5. BEANS, GREEN AND WAX

- (1) *Beans (Whole, Cut, Asparagus or Shoestring Style)*
- (a) *General Requirements*—
- (i) When beans are graded for size, the following shall be the optional number and word designations for the corresponding sizes of beans as outlined herein:

Size of Beans* (inches in thickness)	Number Designation	Optional word Designation
Less than 14½/64.....	Size 1	Small
14½/64 to 18½/64.....	Size 2	
18½/64 to 21/64.....	Size 3	Medium
21/64 to 24/64.....	Size 4	
24/64 to 27/64.....	Size 5	Large
27/64 or more.....	Size 6	

* The size of the bean is determined by measuring the shorter diameter transversely to the long axis at the thickest portion of the pod.

- (ii) When beans are not graded for size, they shall be labelled “Ungraded as to Size”, “Assorted Sizes” or “Mixed Sizes”.
- (b) *Styles of Beans*—
- (i) “Whole”—beans that are not arranged in any definite position in the container.
- (ii) “*Whole Asparagus*”—beans consisting of pods that are cut at both ends, are of substantially equal lengths and are packed parallel to the side of the container.
- (iii) “*Cut*”—beans consisting of pods that are cut transversely into pieces from three-quarters to two inches in length and may contain shorter end pieces which result from cutting.
- (iv) “*Shoestring (Julienne or French Style)*”—beans consisting of pods that are sliced lengthwise into strips of varying lengths.

Meat and Canned Foods Act—continued

(c) *Canada Fancy*—Beans that possess similar varietal characteristics, a normal flavour and odour, a uniform bright colour, a uniform texture typical of young, full fleshed, tender beans that are practically free from seeds and strings; and are practically free from unsnipped ends, small end pieces, ragged cut, blemishes and other defects; the brine shall be clear.

(d) *Canada Choice*—Beans that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform colour, a texture typical of tender beans that are fairly free from seeds and strings; and are fairly free from unsnipped ends, small end pieces, ragged cut, blemishes and other defects; the brine shall be fairly clear.

(e) *Canada Standard*—Beans that possess a normal flavour and odour, a reasonably good colour and texture; and are reasonably free from seeds, strings, unsnipped ends, small end pieces, ragged cut, blemishes and other defects; the brine shall be fairly clear.

6. BEANS, LIMA

(1) Lima Beans

(a) *Canada Fancy*—Beans that possess a normal flavour and odour, a uniform texture typical of young, tender beans; are 90 per cent green in colour of which not more than 1 per cent by count may be white, and are practically free from skins, splits, blemishes and other defects.

(b) *Canada Choice*—Beans that possess a normal flavour and odour, a fairly uniform texture; are 50 per cent green in colour of which not more than 25 per cent by count may be white, and are fairly free from skins, splits, blemishes and other defects.

(c) *Canada Standard*—Beans that possess a normal flavour and odour; and are reasonably free from skins, splits, blemishes and other defects.

(2) Dried Lima Beans

Dried Lima Beans may be canned if the label shows the words "Soaked Lima Beans" or "Dried Lima Beans".

7. BEAN SPROUTS

If declared on the label, citric acid may be added to bean sprouts.

8. BEANS WITH PORK

(a) General Requirements—

(i) Beans with pork prepared with tomato sauce when examined according to the "Howard" Method, mould filaments shall not appear in more than 50 per cent of the microscopic fields.

(ii) All meat used in the preparation of beans with pork shall be inspected and approved in an establishment where government inspection is maintained.

(b) *Beans with Pork*—Food prepared from dried beans and pork with or without sauce, seasoning, spices and sweetening agent and shall contain not less than 60 per cent by weight of drained solids as determined by the method employed by the Department of Agriculture, Ottawa.

9. BEANS, VEGETARIAN BEANS

(a) General Requirements—

Beans, Vegetarian Beans prepared with tomato sauce when examined according to the "Howard" Method, mould filaments shall not appear in more than 50 per cent of the microscopic fields.

Meat and Canned Foods Act—continued

(b) *Beans, Vegetarian Beans*—Food prepared from dried beans with or without sauce, seasoning, spices and sweetening agent and shall contain not less than 60 per cent by weight of drained solids as determined by the method employed by the Department of Agriculture, Ottawa.

10. BEETS**(1) Beets (Whole)**

(a) *Canada Fancy*—Beets that possess similar varietal characteristics, a normal flavour and odour, a uniform blood-red colour, a texture typical of young, tender beets; are of a size not exceeding one and one-half inches in diameter and not varying more than one-quarter inch and are practically free from skins, roots, stems, discolouration, insect injury, mechanical injury and other defects.

(b) *Canada Choice*—Beets that possess similar varietal characteristics a normal flavour and odour, a fairly uniform blood-red colour, a texture typical of fairly young, tender beets; are of a size not exceeding two and one-half inches in diameter and not varying more than one-half inch and are fairly free from skins, roots, stems, discolouration, insect injury, mechanical injury and other defects.

(c) *Canada Standard*—Beets that possess a normal flavour and odour, a reasonably good texture and blood-red colour; are of a size not exceeding three inches in diameter and not varying more than one inch and are reasonably free from skins, roots, stems, discolouration, insect injury and other defects.

(2) Beets (Sliced)

The grades for sliced beets shall correspond to the grades set forth for whole beets except for size and shape requirements.

(a) *Canada Fancy*—The slices prepared from beets not exceeding two inches in diameter shall not exceed one-quarter inch when measured at the thickest portion and shall be practically uniform in thickness.

(b) *Canada Choice*—The slices prepared from beets not exceeding three inches in diameter shall not exceed one-quarter inch when measured at the thickest portion and shall be fairly uniform in thickness.

(c) *Canada Standard*—The slices prepared from beets not exceeding three and one-half inches in diameter shall be reasonably uniform in thickness.

(3) Beets (Diced)

The grades for diced beets shall correspond to the grades set forth for whole beets except for size and shape requirements.

(a) *Canada Fancy*—The pieces shall be practically uniform in size and shape with edges not more than three-eighths of an inch and the product shall be 90 per cent by weight free from splinters or irregular shaped pieces.

(b) *Canada Choice*—The pieces shall be fairly uniform in size and shape with edges not more than three-eighths of an inch and the product shall be 80 per cent by weight free from splinters or irregular shaped pieces.

(c) *Canada Standard*—The pieces shall be reasonably uniform in size and shape with edges not more than three-eighths of an inch and the product shall be 70 per cent by weight free from splinters or irregular shaped pieces.

Meat and Canned Foods Act—continued

(4) *Beets (Cut or Quartered)*

The grades for cut or quartered beets shall correspond to the grades set forth for whole beets except for size and shape requirements.

(a) *Canada Fancy*—The cuts or quarters prepared from beets not exceeding two inches in diameter shall be practically uniform in size.

(b) *Canada Choice*—The cuts or quarters prepared from beets not exceeding three inches in diameter shall be fairly uniform in size.

(c) *Canada Standard*—The cuts or quarters prepared from beets not exceeding three and one-half inches in diameter shall be reasonably uniform in size.

(5) *Beets (Julienne or Shoestring)*

The grades for julienne or shoestring beets shall correspond to the grades set forth for whole beets except for size and shape requirements.

(a) *Canada Fancy*—The strips prepared from beets not exceeding two and one-half inches in diameter shall be practically uniform in size, shape and length and shall measure not more than three-sixteenths of an inch in thickness.

(b) *Canada Choice*—The strips prepared from beets not exceeding four and one-half inches in diameter shall be fairly uniform in size, shape and length and shall measure not more than three-sixteenths of an inch in thickness.

(c) *Canada Standard*—The strips shall be reasonably uniform in size, shape and length and shall measure not more than three-sixteenths of an inch in thickness.

11. BERRIES (SMALL FRUITS)

(1) *Blackberries*

The grades for blackberries shall correspond to the grades set forth in this Table for raspberries.

(2) *Blueberries*

(a) *Canada Fancy*—Blueberries that possess similar varietal characteristics, normal flavour and odour, a practically uniform bright dark colour typical of well-matured blueberries; are 90 per cent whole and intact, 90 per cent uniform in size and are practically free from leaves, stems, undeveloped or dried berries, insect injury and other defects; the syrup shall be practically free from sediment.

(b) *Canada Choice*—Blueberries that possess similar varietal characteristics, normal flavour and odour, a fairly uniform dark colour typical of well-matured blueberries; are 80 per cent whole and intact, 80 per cent uniform in size and are fairly free from leaves, stems, undeveloped or dried berries, insect injury and other defects; the syrup shall be fairly free from sediment.

(c) *Canada Standard*—Blueberries that possess a normal flavour and odour, a reasonably uniform colour typical of fairly well-matured blueberries; are 50 per cent whole and intact and are reasonably free from leaves, stems, undeveloped or dried berries, insect injury and other defects; the syrup shall be reasonably free from sediment.

(3) *Currants*

The grade for currants shall correspond to the grades set forth in this Table for raspberries.

Meat and Canned Foods Act—continued*(4) Gooseberries*

The grades for gooseberries shall correspond to the grades set forth in this Table for raspberries.

(5) Lawtonberries

The grades for lawtonberries shall correspond to the grades set forth in this Table for raspberries.

(6) Loganberries

The grades for loganberries shall correspond to the grades set forth in this Table for raspberries.

(7) Raspberries

(a) *Canada Fancy*—Raspberries that possess similar varietal characteristics, a normal flavour and odour, a good bright characteristic colour, a texture typical of sound, ripe, tender berries; are 90 per cent whole and intact, 90 per cent uniform in size and maturity and are practically free from stems, leaves, green or dried berries, insect injury and other defects; the syrup shall be clear.

(b) *Canada Choice*—Raspberries that possess similar varietal characteristics, a normal flavour and odour, a fairly good characteristic colour, a texture typical of sound, ripe, tender berries; are 75 per cent whole and intact, 75 per cent uniform in size and maturity and are practically free from stems, leaves, green or dried berries, insect injury and other defects; the syrup shall be fairly clear.

(c) *Canada Standard*—Raspberries that possess a normal flavour and odour; a reasonably good colour, a fairly good texture typical of sound, ripe berries; are 50 per cent whole and intact and are reasonably free from stems, leaves, green or dried berries, insect injury and other defects; the syrup shall be fairly free of sediment.

(8) Strawberries

(a) *Canada Fancy*—Strawberries that possess similar varietal characteristics, a normal flavour and odour, a practically uniform bright characteristic colour typical of sound, ripe strawberries; are whole, 90 per cent uniform in size, not less than five-eighths of an inch in diameter and are practically free from stems, leaves, green tips, immature berries, insect injury and other defects; the syrup shall be clear.

(b) *Canada Choice*—Strawberries that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform characteristic colour typical of sound, ripe strawberries; are mostly whole, 80 per cent uniform in size and are practically free from stems, leaves, green tips, immature berries, insect injury and other defects; the syrup shall be fairly clear.

(c) *Canada Standard*—Strawberries that possess a normal flavour and odour, a reasonably uniform colour; are 60 per cent uniform in size and maturity and are fairly free from stems, leaves, green tips, insect injury and other defects; the syrup shall be reasonably clear.

(9) Thimbleberries

The grades for thimbleberries shall correspond to the grades set forth in this Table for raspberries.

Meat and Canned Foods Act—continued**12. CARROTS***(1) Carrots (Whole)*

(a) *Canada Fancy*—Carrots that possess similar varietal characteristics, a normal flavour and odour, a uniform bright colour, a texture typical of young, tender carrots; are of a size not exceeding one inch in diameter and not varying more than one-quarter inch and are practically free from skins, roots, stems, discolouration, insect injury, mechanical injury and other defects.

(b) *Canada Choice*—Carrots that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform bright colour, a texture typical of fairly young, tender carrots; are of a size not exceeding one and one-half inches in diameter and not varying more than one-half inch and are fairly free from skins, roots, stems, discolouration, insect injury, mechanical injury and other defects.

(c) *Canada Standard*—Carrots that possess a normal flavour and odour, a reasonably good colour and texture; are of a size not exceeding two and one-quarter inches in diameter and not varying more than one inch and are reasonably free from skins, roots, stems, discolouration, insect injury, mechanical injury and other defects.

(2) Carrots (Sliced)

The grades for sliced carrots shall correspond to the grades set forth for whole carrots except for size and shape requirements.

(a) *Canada Fancy*—The slices prepared from carrots not exceeding one and one-quarter inches in diameter shall not exceed one-quarter inch when measured at the thickest portion and shall be practically uniform in thickness.

(b) *Canada Choice*—The slices prepared from carrots not exceeding two inches in diameter shall not exceed one-quarter inch when measured at the thickest portion and shall be fairly uniform in thickness.

(c) *Canada Standard*—The slices prepared from carrots not exceeding two and one-half inches in diameter shall be reasonably uniform in thickness.

(3) Carrots (Diced)

The grades for diced carrots shall correspond to the grades set forth for whole carrots except for size and shape requirements.

(a) *Canada Fancy*—The pieces shall be practically uniform in size and shape with edges not more than three-eighths of an inch and the product shall be 90 per cent by weight free from splinters or irregular shaped pieces.

(b) *Canada Choice*—The pieces shall be fairly uniform in size and shape with edges not more than three-eighths of an inch and the product shall be 80 per cent by weight free from splinters or irregular shaped pieces.

(c) *Canada Standard*—The pieces shall be reasonably uniform in size and shape with edges not more than three-eighths of an inch and the product shall be 70 per cent by weight free from splinters or irregular shaped pieces.

(4) Carrots (Julienne or Shoestring)

The grades for julienne or shoestring carrots shall correspond to the grades set forth for whole carrots except for size and shape requirements.

Meat and Canned Foods Act—continued

(a) *Canada Fancy*—The strips prepared from carrots not exceeding two inches in diameter shall be practically uniform in size, shape and length and shall measure not more than three-sixteenths of an inch in thickness.

(b) *Canada Choice*—The strips prepared from carrots not exceeding three inches in diameter shall be fairly uniform in size, shape and length and shall measure not more than three-sixteenths of an inch in thickness.

(c) *Canada Standard*—The strips prepared from carrots not exceeding four inches in diameter shall be reasonably uniform in size, shape and length and shall measure not more than three-sixteenths of an inch in thickness.

13. CHERRIES**(1) Cherries (Sweet or Sour)**

(a) *Canada Fancy*—Cherries that possess similar varietal characteristics, a normal flavour and odour, a practically uniform good bright characteristic colour; are firm fleshed, large and whole, 90 per cent uniform in size and are practically free from stems, cracks, misshapen cherries, insect injury, blemishes and other defects; if pitted the cherries shall be free from pits or portions thereof; the syrup shall be clear.

(b) *Canada Choice*—Cherries that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform good characteristic colour; are firm fleshed, 80 per cent uniform in size and are fairly free from stems, cracks, misshapen cherries, insect injury, blemishes and other defects; if unpitted the cherries shall remain whole, if pitted the cherries shall remain 75 per cent whole and shall be practically free from pits or portions thereof; the syrup shall be clear.

(c) *Canada Standard*—Cherries that possess a normal flavour and odour, a reasonably uniform colour; are fairly firm fleshed, 60 per cent uniform in size and are reasonably free from stems, cracks, misshapen cherries, insect injury, blemishes and other defects; if unpitted the cherries shall remain mostly whole, if pitted the cherries shall remain 50 per cent whole and shall be practically free from pits or portions thereof; the syrup shall be fairly clear.

(2) Cherries (Maraschino, Creme De Menthe and Cocktail)

(a) *General*—The use of a preservative, colour or artificial flavour is permitted.

(b) *Canada Fancy*—Cherries that are whole, large in size (20 millimetres in diameter or larger), practically uniform in size and colour and are practically free from spotted, cracked or blemished cherries and other defects.

(c) *Canada Choice*—Cherries that are whole, medium in size or larger (18 millimetres in diameter or larger), are fairly uniform in size and colour and are fairly free from spotted, cracked or blemished cherries and other defects.

(d) *Canada Standard*—Cherries that are whole or broken, reasonably uniform in size and colour and are reasonably free from spotted, cracked or blemished cherries and other defects.

14. CORN**(a) General Requirements—**

- (i) All corn shall be packed from the varieties known to the trade as "Sweet Corn". The ears of corn shall be picked from the stalks when young and tender and in the early cream stage,

Meat and Canned Foods Act—continued

- (ii) Labels for corn shall state whether the corn is "Cream Style", "Whole Kernel" or "Cut Kernel", "Packed in Brine " or "Vacuum Packed".

(b) *Styles of Corn—*

- (i) *Cream Style Corn*—Prepared from corn removed from the cob by shallow cutting and subsequent scraping causing it to have a creamy consistency; when necessary to insure smoothness starch may be added in a quantity not more than sufficient for that purpose.
- (ii) *Whole or Cut Kernel*—Prepared from corn removed from the cob by cutting in such a manner as to leave the kernel substantially whole.
- (iii) *Corn on the Cob*—Prepared from young tender ears of corn which are trimmed, evenly cut and packed upright in cans.

(1) *Corn (Cream Style)*

(a) *Canada Fancy*—Corn that possesses a normal flavour and odour, a practically uniform bright colour, a texture typical of young, creamy, very tender, well cut corn, a cream-like consistency with not more than a slight appearance of curdling; the corn after stirring and emptying from the container to a dry flat surface shall form a slightly mounded mass and at the end of two minutes there shall be practically no separation of liquor; and is practically free from silk, husk, cob, insect injury and other defects.

(b) *Canada Choice*—Corn that possesses a normal flavour and odour, a fairly uniform colour typical of young, tender, well cut corn, a creamy consistency with not more than a moderate amount of curdling; the corn after stirring and emptying from the container to a dry flat surface may flow just enough to level itself and at the end of two minutes there may be a slight separation of liquor; and is fairly free from silk, husk, cob, insect injury and other defects.

(c) *Canada Standard*—Corn that possesses a normal flavour and odour, a reasonably uniform colour typical of firm but not doughy kernels, a consistency which is not excessively thick, thin, or curdled; the corn may have a moderate but not excessive separation of liquor; and is reasonably free from silk, husk, cob, insect injury and other defects.

(2) *Corn (Whole or Cut Kernel)*

(a) *Canada Fancy*—Corn that possesses similar varietal characteristics, a normal flavour and odour, a practically uniform bright colour typical of young, tender, well developed kernels; is well cut and is practically free from silk, adhering cob tissue, ragged torn kernels, insect injury and other defects.

(b) *Canada Choice*—Corn that possesses similar varietal characteristics, a normal flavour and odour, a fairly uniform colour typical of tender, well developed kernels; is fairly well cut and is fairly free from silk, adhering cob tissue, ragged torn kernels, insect injury and other defects.

(c) *Canada Standard*—Corn that possesses a normal flavour and odour, a reasonably uniform colour typical of firm but not doughy kernels, a reasonably uniform cut; and is reasonably free from silk, adhering cob tissue, ragged torn kernels, insect injury and other defects.

(3) *Corn on Cob*

(a) *Canada Fancy*—Corn that possesses similar varietal characteristics, a normal flavour and odour, a good uniform bright colour; is tender, well trimmed, practically uniform in size and is practically free from silk, insect injury and other defects.

Meat and Canned Foods Act—continued

(b) *Canada Choice*—Corn that possesses similar varietal characteristics, a normal flavour and odour, a fairly good uniform bright colour; is fairly tender, well trimmed, fairly uniform in size and is fairly free from silk, insect injury and other defects.

(c) *Canada Standard*—Corn that possesses a normal flavour and odour, a reasonably good uniform bright colour; is reasonably tender, fairly well trimmed, reasonably uniform in size and is reasonably free from silk, insect injury and other defects.

(4) *Corn (Hominy Style)*

Sulphite of soda or other bleaches may be used in the processing of “Hominy Style” corn if appropriately labelled as, for example, “Bleached with Sulphite of Soda”.

15. GRAPEFRUIT

(1) *Grapefruit*

(a) *Canada Fancy*—Grapefruit that possesses a normal flavour and odour, a colour that is practically uniform, bright and free from noticeable tinge of amber, 75 per cent whole large segments; is moderately firm and fleshy and practically free from dry fibrous cells, peel, seeds, membrane, white fibrous material, insect injury and other defects.

(b) *Canada Choice*—Grapefruit that possesses a normal flavour and odour, a fairly uniform bright colour, 50 per cent whole segments; and is fairly free from dry fibrous cells, peel, seeds, membrane, white fibrous material, insect injury and other defects.

(c) *Canada Standard*—Grapefruit that possesses a normal flavour and odour, a reasonably good colour; is not seriously affected by dry fibrous cells and is reasonably free from peel, seeds, membrane, white fibrous material, insect injury and other defects.

(2) *Grapefruit and Orange Sections*

The grades for grapefruit and orange or orange and grapefruit sections shall correspond to the grades set forth for grapefruit.

16. MIXED FRUIT PRODUCTS

(1) *Fruit Cocktail*

(a) *General Requirements*—

(i) Fruit cocktail consists of the following ingredients and in proportion of drained weight as follows:

Fruit	Style	Proportion of drained weight per cent
Peaches.....	Diced into approximate cubes.....	30–50
Pears (Bartlett’s and other similar varieties).....	Diced into approximate cubes.....	25–45
Pineapple.....	Cut into segments or into approximate one-half inch cubes.	6–16
Maraschino Cherries and/or Grapes.....	Whole or Halved.....	2–20

Meat and Canned Foods Act—continued

(ii) The use of colour and artificial flavour is permitted for cherries.

(b) *Canada Fancy*—Fruit cocktail that possesses a normal flavour and odour, a good bright colour which is practically free from staining; pieces are practically uniform in size and are practically free from defects; each fruit must conform to the grade requirement of Canada Fancy for such fruit.

(c) *Canada Choice*—Fruit cocktail that possesses a normal flavour and odour, a good colour with not more than slight staining; pieces are fairly uniform in size and are fairly free from defects; each fruit must conform at least to the grade requirement of Canada Choice for such fruit.

(d) *Canada Standard*—Fruit cocktail that possesses a normal flavour and odour, a fairly good colour; pieces are reasonably uniform in size and are reasonably free from defects; each fruit must conform at least to the grade requirement of Canada Standard for such fruit.

(2) *Fruit Salad*

(a) *General Requirements*—

(i) Prepared from any combination of any two or more fruits, diced, halved or quartered; the predominating fruit shall not exceed 60 per cent of the total product.

(ii) The use of colour and artificial flavour is permitted for cherries.

(b) The grades for “Fruit Salad” shall correspond to the grades set forth for “Fruit Cocktail”.

(3) *Fruits for Salad*

(a) *General Requirements*—

(i) Fruits for salad consist of the following ingredients and in proportion of drained weight as follows:

Fruit	Style	Proportion of drained weight per cent
Peaches.....	Peeled (halved, quartered or sliced)	24-40
Pears (Bartlett's and other similar varieties).....	Peeled and cored (halved, quartered or sliced).....	21-35
Apricots.....	Peeled or unpeeled (halved).....	18-30
Pineapple.....	Wedge shaped segments.....	8-16
Cherries..... or	Maraschino type or natural whole, pitted cherries	3-8
Grapes.....	Whole.....	3-8

(ii) The use of colour and artificial flavour is permitted for cherries.

(b) The grades for “Fruits for Salad” shall correspond to the grades set forth for “Fruit Cocktail”.

Meat and Canned Foods Act—continued**17. MIXED VEGETABLE PRODUCTS****(1) *Mixed Vegetables or Macedoine***

Mixed Vegetables or Macedoine—The product containing a combination of vegetables, all vegetables present shall be named on the label in order of amount used in the product; no declaration of grade is required, but if a grade is declared, the product shall be graded on the basis of the respective vegetables that enter into its composition.

(2) *Mixed Vegetable Juices*

Mixed Vegetable Juices—The product containing a combination of vegetables juices, all juices present shall be named on the label in order of amount used in the product and the tomato juice content shall not exceed 80 per cent of the total product; when examined according to the "Howard" Method, mould filaments shall not appear in more than 25 per cent of the microscopic fields; bacteria shall not exceed fifty million, yeasts and spores three million nine hundred thousand per millimetre; the methods for microbiological analyses shall be those approved by the Chief, Bacteriology Division, Science Service, Department of Agriculture, Ottawa.

(3) *Succotash*

Succotash—The product containing a combination of cream style corn and green or dried lima beans; the amount of corn shall not exceed 80 per cent of the total weight of the product; no declaration of grade is required, but if a grade is declared, the product shall be graded on the basis of cream style corn.

18. MUSHROOMS***Styles of Mushrooms—***

- (i) "*Whole Mushrooms*"—Mushrooms that consist of the caps with the veils closed and with stems attached; the length of the stem shall not exceed the diameter of the cap.
- (ii) "*Button Mushrooms*"—Mushrooms that consist of the caps with veils closed and with stems removed immediately below the veil.
- (iii) "*Sliced Mushrooms*"—Mushrooms that consist of slices of whole mushrooms which have been sliced parallel to the longitudinal axis.

(1) *Mushrooms (Whole or Button)*

(a) *Canada Fancy*—Mushrooms that possess similar varietal characteristics, a normal flavour and odour, a uniform bright colour, a texture typical of young, tender mushrooms; are of a size varying not more than one-eighth of an inch in diameter and are practically free from discolouration, insect injury, mechanical injury and other defects; the brine shall be clear.

(b) *Canada Choice*—Mushrooms that possess similar varietal characteristics, a normal flavour and odour, fairly uniform bright colour, a texture typical of fairly young, tender mushrooms; are of a size varying not more than one-quarter of an inch in diameter and are fairly free from discolouration, insect injury, mechanical injury and other defects; the brine shall be clear.

(c) *Canada Standard*—Mushrooms that possess a normal flavour and odour, and a reasonably good colour and texture are of a size varying not

Meat and Canned Foods Act—continued

more than one-half of an inch in diameter and are reasonably free from discolouration, insect injury, mechanical injury and other defects; the brine shall be fairly clear.

(2) Mushrooms (Sliced)

The grades for sliced mushrooms shall correspond to the grades set forth for whole or button mushrooms except for size and shape requirements.

(a) *Canada Fancy*—The individual slices shall approximate three-sixteenths of an inch when measured at the thickest portion and shall be uniform in thickness; irregular shaped pieces shall not materially affect the appearance of the product.

(b) *Canada Choice*—The individual slices shall approximate three-sixteenths of an inch when measured at the thickest portion and shall be fairly uniform in thickness; irregular shaped pieces shall not materially affect the appearance of the product.

(c) *Canada Standard*—The individual slices shall approximate three-sixteenths of an inch when measured at the thickest portion and shall be reasonably uniform in thickness; irregular shaped pieces shall not seriously affect the appearance of the product.

(3) Mushrooms (Creamed)

Creamed Mushrooms—The product prepared from slices or pieces of mushrooms, cream or milk, butter, and with wheat flour added as a thickener; the finished product shall contain not less than 3 per cent butter fat and not less than 35 per cent drained weight of mushrooms.

(4) Mushrooms (Stems and Pieces)

Mushrooms Stems and Pieces—The product prepared from cut or broken portions of caps and stems; the product shall be reasonably uniform in colour, size and maturity; the brine shall be fairly clear.

19. ONIONS

If declared on the label, citric acid may be added to onions in a quantity not more than sufficient to permit effective processing.

20. PEACHES*(1) Peaches (Halved, Quartered or Whole)*

(a) *Canada Fancy*—Peaches that possess similar varietal characteristics, a normal flavour and odour, a practically uniform bright characteristic colour; are 90 per cent uniform in size and maturity, thick and fleshy and without excessive frayed edges, soft but not broken and are practically free from stems, peel, insect injury, other defects, and if halved or quartered, free from pits or pieces of pit; no peaches less than two inches in diameter shall be used; clingstone peaches may be slightly firm; the syrup shall be practically clear.

(b) *Canada Choice*—Peaches that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform characteristic colour; are 70 per cent uniform in size and maturity, may be soft or slightly firm but not broken and without excessive frayed edges and are practically free from stems, peel, insect injury, other defects and if halved or quartered

Meat and Canned Foods Act—continued

practically free from pits or pieces of pit; no peaches less than one and three-quarters inches in diameter shall be used; clingstone peaches may be fairly firm; the syrup shall be fairly clear.

(c) *Canada Standard*—Peaches that possess a normal flavour and odour, a reasonably good colour; are 50 per cent uniform in size and maturity, may be soft or firm and are fairly free from stems, peel, insect injury, other defects and if halved or quartered, fairly free from pits or pieces of pit.

(2) Peaches (Sliced)

The grades for sliced peaches shall correspond to the grades set forth for halved peaches except for maturity requirements and syrup clarity.

(a) *Canada Fancy*—The slices may be soft or slightly firm and shall be 85 per cent whole and intact; the syrup may be slightly cloudy.

(b) *Canada Choice*—The slices may be soft or fairly firm and shall be 65 per cent whole and intact; the syrup may be slightly cloudy.

(c) *Canada Standard*—The slices may be moderately firm or soft and shall be 50 per cent whole and intact; the syrup may be cloudy.

21. PEARS (WHOLE, HALVED OR QUARTERED)

(a) *Canada Fancy*—Pears that possess similar varietal characteristics, a normal flavour and odour, a practically uniform bright colour characteristic of ripe, firm pears; are 85 per cent uniform in size and maturity and are practically free from ragged or soft portions, peel, insect injury, blemishes, bruised portions and other defects; no pears under two inches in diameter shall be used; the syrup shall be clear.

(b) *Canada Choice*—Pears that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform colour characteristic of ripe, firm pears; are 65 per cent uniform in size and maturity and are fairly free from ragged or soft portions, peel, insect injury, blemishes, bruised portions and other defects; no pears under one and three-quarters inches in diameter shall be used; the syrup shall be fairly clear.

(c) *Canada Standard*—Pears that possess a normal flavour and odour, a reasonably uniform colour; are 50 per cent uniform in size and maturity and are reasonably free from ragged or soft portions, peel, insect injury, blemishes, bruised portions and other defects.

22. PEAS**(1) Peas****(a) General Requirements—**

- (i) Brine for peas shall be made with salt and with or without sugar.
- (ii) If declared on the label as "Alkalis Added", calcium hydroxide and magnesium hydroxide may be used in processing peas, but not in excess of 0.04 per cent and 0.01 per cent by weight of the finished product, respectively.
- (iii) When peas are graded for size, the following shall be the optional number and word designations for the corresponding sizes of peas as outlined herein:

Meat and Canned Foods Act—continued

Screen mesh	Number designation	Optional word designation
Peas passing through a screen of 9/32 inch mesh....	Size 1	Small
Peas passing through a screen of 10/32 inch mesh, but not through a screen of 9/32 inch mesh.....	Size 2	
Peas passing through a screen of 11/32 inch mesh, but not through a screen of 10/32 inch mesh.....	Size 3	Medium
Peas passing through a screen of 12/32 inch mesh, but not through a screen of 11/32 inch mesh.....	Size 4	
Peas passing through a screen of 13/32 inch mesh, but not through a screen of 12/32 inch mesh.....	Size 5	Large

(iv) When peas are not graded for size, they shall be labelled “Ungraded as to Size”, “Assorted Sizes” or “Mixed Sizes”.

(b) *Canada Fancy*—Peas that possess similar varietal characteristics, a normal flavour and odour, a practically uniform colour, a texture typical of young, tender peas; and are practically free from loose skins, splits, mashed or broken peas, blemishes and other defects; the brine shall be clear.

(c) *Canada Choice*—Peas that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform colour, a texture typical of fairly young, slightly mealy but not firm peas; and are fairly free from loose skins, splits, mashed or broken peas, blemishes and other defects; the brine shall be fairly clear.

(d) *Canada Standard*—Peas that possess a normal flavour and odour, a reasonably uniform colour, a texture typical of mature, firm and mealy but not hard or ripe peas; and are reasonably free from loose skins, splits, mashed or broken peas, blemishes and other defects.

(2) *Dried or Ripe Peas*

Ripe peas may be canned if the label shows the words “Ripe Peas” or “Soaked Peas”.

23. PICKLES AND RELISHES

Pickles and Relishes—The product prepared from vegetables or fruit, salt and vinegar and which may contain sugar, dextrose, spices, seasonings, colour and preservative.

24. PIE FRUITS, SOLID PACK

Pie Fruits, Solid Pack (other than apple)—The product prepared from ripe fruit that need not be uniform in size, colour or maturity; no declaration of grade is required, but if a grade is declared, the product shall be graded on the basis of canned fruit of similar name.

25. PINEAPPLE

(1) *Pineapple (Sliced, Tid-bits, Tit-bits)*

(a) *Canada Fancy*—Pineapple that possesses a normal flavour and odour, a uniform bright colour characteristic of properly matured pineapple; the pieces are 90 per cent uniform in size and maturity and are practically free from core, fruit eyes, peel, blemishes and other defects.

Meat and Canned Foods Act—continued

(b) *Canada Choice*—Pineapple that possess a normal flavour and odour, a fairly uniform bright colour characteristic of properly matured pineapple; the pieces are 75 per cent uniform in size and maturity and are fairly free from core, fruit eyes, peel, blemishes and other defects.

(2) *Pineapple (Crushed or Grated)*

(a) *Canada Fancy*—Pineapple that possesses a normal flavour and odour, a uniform bright colour characteristic of properly matured pineapple; is evenly crushed or grated, 90 per cent uniform in maturity and is practically free from core, fruit eyes, peel, blemishes and other defects.

(b) *Canada Choice*—Pineapple that possesses a normal flavour and odour, a fairly uniform bright colour characteristic of properly matured pineapple; is fairly evenly crushed or grated, 75 per cent uniform in maturity and is practically free from core, fruit eyes, peel, blemishes and other defects.

26. PLUMS—PRUNE PLUMS

(a) *Canada Fancy*—Plums, prune plums that possess similar varietal characteristics, a normal flavour and odour, a uniform bright colour characteristic of ripe, firm plums; are whole, practically uniform in size and maturity and are practically free from stems, leaves, blemishes, and other defects; no plums under one inch and no prune plums under one and one-eighth inches in diameter shall be used; the syrup shall be clear.

(b) *Canada Choice*—Plums, prune plums that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform bright colour characteristic of ripe, firm plums; are 90 per cent whole, fairly uniform in size and maturity and are practically free from stems, leaves, blemishes and other defects; no plums under one inch and no prune plums under one and one-eighth inches in diameter shall be used; the syrup shall be fairly clear.

(c) *Canada Standard*—Plums, prune plums that possess a normal flavour and odour, a reasonably uniform colour; are 60 per cent whole and are fairly free from stems, leaves, blemishes and other defects.

27. POTATOES

Potatoes (Whole, Sliced, Diced and Shoestring)

(a) *General Requirements—*

- (i) Calcium chloride, calcium citrate, monocalcium phosphate, calcium sulphate, or any combination of these may be used to condition the potatoes provided that the presence of such conditioner is declared on the label, and provided also that the amount of such conditioner, calculated as calcium, shall not be more than 0.026 per cent by weight of the finished product.
- (ii) When whole potatoes are graded for size, the following shall be the optional number and word designations for the corresponding sizes of potatoes as outlined herein:

Meat and Canned Foods Act—continued

Diameter	Number designation	Optional word designation
1 inch or less.....	Size 1	Tiny or Midget
1—1½ inches.....	Size 2	Small
Over 1½ inches.....	Size 3	Medium

(iii) When whole potatoes are not graded for size, they shall be labelled “Ungraded as to Size”, “Assorted Sizes” or “Mixed Sizes”.

(b) *Canada Fancy*—Potatoes that possess similar varietal characteristics, a normal flavour and odour, a bright uniform colour, practically uniform pieces, a good texture with not more than a slight amount of sloughing; and are practically free from peel, blemished units, untrimmed eyes, grit and other defects; whole potatoes shall be practically uniform in size when size is claimed and shall be whole and intact.

(c) *Canada Choice*—Potatoes that possess similar varietal characteristics, a normal flavour and odour, a fairly bright uniform colour, fairly uniform pieces, a fairly good texture and may have some sloughing or disintegration; and are practically free from peel, blemished units, untrimmed eyes, grit and other defects; whole potatoes shall be fairly uniform in size when size is claimed and shall be whole and intact.

(d) *Canada Standard*—Potatoes that possess a normal flavour and odour, a reasonably uniform colour and size of pieces, a fairly good texture; sloughing shall not seriously affect the eating quality or appearance of the product; and are fairly free from peel, blemished units, untrimmed eyes, grit and other defects; whole potatoes shall be fairly uniform in size when size is claimed and shall be fairly whole and intact.

28. PUMPKIN AND SQUASH

(1) *Pumpkin*

(a) *General*—A mixture of pumpkin and squash may be labelled as “Pumpkin” providing the amount of squash does not exceed 40 per cent of the product.

(b) *Canada Fancy*—Pumpkin that possesses a normal flavour and odour, a uniform characteristic colour, a smooth fine texture and finish, a consistency that when emptied at room temperature from the can to a dry flat surface, the sieved pulp shall hold the shape of the container and at the end of two minutes there shall be not more than a slight separation of liquor; and is practically free from particles of seed, rind, fibre, grit and other defects.

(c) *Canada Choice*—Pumpkin that possesses a normal flavour and odour, a fairly uniform characteristic colour, a fairly smooth fine texture and finish, a consistency that when emptied at room temperature from the can to a dry flat surface, the sieved pulp shall hold the shape of the container fairly well and at the end of two minutes there may be a moderate but not excessive separation of liquor; and is fairly free from particles of seed, rind, fibre, grit and other defects.

Meat and Canned Foods Act—continued

(d) *Canada Standard*—Pumpkin that possesses a normal flavour and odour, a reasonably uniform colour and finish, a consistency that when emptied at room temperature from the can to a dry flat surface, the sieved pulp shall remain in a mound and shall not be sloppy or runny; and is reasonably free from particles of seed, rind, fibre, grit and other defects.

(2) Squash

The grades for squash shall correspond to the grades set forth for pumpkin.

29. SAUERKRAUT

(a) *General Requirement*—Sauerkraut is the product obtained by full fermentation of sound, clean, shredded cabbage to which salt has been added and which contains not less than one per cent of acid expressed as lactic acid; acidity expressed as lactic acid shall be determined in the pressed out liquid by direct titration with standard sodium hydroxide solution, using phenolphthalein as the indicator.

(b) *Canada Fancy*—Sauerkraut that possesses a well developed characteristic sauerkraut flavour, a uniform light straw colour, shreds uniformly cut to approximately one-sixteenth of an inch in thickness; is of a firm, crisp texture and is practically free from large pieces of core, midrib and leaf, spotted shreds and other defects.

(c) *Canada Choice*—Sauerkraut that possesses a fairly well developed characteristic sauerkraut flavour, a variable straw colour ranging from a greenish yellow to a tint of light brown, shreds fairly uniformly cut to approximately one-sixteenth of an inch in thickness; is of a fairly firm, crisp texture and is fairly free from large pieces of core, midrib and leaf, spotted shreds and other defects.

(d) *Canada Standard*—Sauerkraut that possesses a flavour that is not unpalatable, a colour that may be dark or with a pink tint, reasonably uniform shreds; is of a reasonably firm texture but not soft or mushy and is reasonably free from large pieces of core, midrib or leaves, spotted shreds and other defects.

30. SPINACH

(a) *Styles of Spinach*—

(i) *“Whole or Whole Leaf”*—Spinach that consists substantially of the leaf and adjoining portions of the leaf.

(ii) *“Cut or Chopped”*—Spinach that consists of the leaf and adjoining portions of the leaf which have been cut or chopped into small pieces.

(b) *Canada Fancy*—Spinach that possesses a normal flavour and odour, a practically uniform green colour; is young and tender, free from grit and is practically free from seedy heads, large leaf stems, grass or weeds, root stubs, spotted, blemished or wilted leaves and other defects.

(c) *Canada Choice*—Spinach that possesses a normal flavour and odour, a fairly good green colour; is fairly young and tender, free from grit and is fairly free from seedy heads, large leaf stems, grass or weeds, root stubs, spotted, blemished or wilted leaves and other defects.

(d) *Canada Standard*—Spinach that possesses a normal flavour and odour, a reasonably uniform colour; is reasonably young and tender, the amount of grit shall not materially affect the eating quality of the product and is reasonably free from seedy heads, large leaf stems, grass or weeds, root stubs, spotted, blemished or wilted leaves and other defects.

Meat and Canned Foods Act—continued

31. TOMATOES

(a) General Requirements—

- (i) Canned tomatoes are mature tomatoes of red or reddish varieties that are peeled, cored and trimmed, packed into cans as whole as possible and to which only may be added the juice obtained from other mature, whole tomatoes; the juice or pulp obtained from trimmings or tomato residual material is prohibited.
- (ii) The drained weight refers to the proportion of tomato solids to juice present. The calculation shall be based on the percentage of tomato solids after draining the sample on a slightly inclined screen two meshes to the inch for one half minute, the wire of the screen being approximately one-thirty-seconds of an inch. Screen eight inches in diameter is used for grading tomatoes packed in 28 fluid ounce cans or smaller; screen twelve inches in diameter for the grading of larger cans.
- (iii) Calcium chloride, calcium citrate, monocalcium phosphate, calcium sulphate, or any combination of these may be used to condition the tomatoes provided that the presence of such conditioner is declared on the label, and provided also that the amount of such conditioner, calculated as calcium, shall not be more than 0.026 per cent by weight of the finished product.

*(b) Canada Fancy—*Tomatoes that possess a normal flavour and odour, a practically uniform red colour; contain not less than 65 per cent drained tomato solids which are whole or practically whole; and are free from pieces of skin, core, black spots, sun scald and other defects.

*(c) Canada Choice—*Tomatoes that possess a normal flavour and odour, a fairly uniform red colour; contain not less than 60 per cent drained tomato solids which are whole or fairly whole; and are practically free from pieces of skin, core, black spots, sun scald and other defects.

*(d) Canada Standard—*Tomatoes that possess a normal flavour and odour, a reasonably uniform red colour; contain not less than 50 per cent drained tomato solids; and are fairly free from pieces of skin, core, black spots, sun scald and other defects.

32. TOMATO PRODUCTS

(a) General Requirements—

- (i) Tomato Juice, Tomato Juice Cocktail, when examined according to the "Howard" Method mould filaments shall not appear in more than 25 per cent of the microscopic fields; bacteria shall not exceed fifty million, yeasts and spores three million nine hundred thousand per millilitre.
- (ii) Tomato Catsup, Paste, Puree, Pulp, Soup, Tomato Sauces, when examined according to the "Howard" Method, mould filaments shall not appear in more than 50 per cent of the microscopic fields; bacteria shall not exceed one hundred million, yeast and spores seven million five hundred thousand per millilitre.

Meat and Canned Foods Act—continued

- (iii) The methods for microbiological analyses shall be those approved by the Chief, Bacteriology Division, Science Service, Department of Agriculture, Ottawa.
- (iv) Tomato Paste, Puree, Pulp or Catsup designated as "Pure" shall not contain any preservative.
- (v) Tomato Paste or Catsup designated as "Pure" shall not contain any colour.

*(1) Tomato Juice**(a) General Requirements—*

- (i) *Tomato Juice*—The product prepared from the unconcentrated, pasteurized liquid of the tomato with a proportion of the pulp expressed, with or without the application of heat and by any method which does not add water thereto, from whole, ripe tomatoes from which all stems and objectionable portions have been removed.
- (ii) If salt or sugar is added to tomato juice, it shall be used dry or dissolved in the juice obtained from the whole tomatoes and an appropriate declaration must appear on the label.

(b) Canada Fancy—Tomato juice that possesses a flavour of well ripened tomatoes, a good consistency, a colour equal to or better than the colour produced by spinning a combination of the following Munsell colour discs: 70 per cent red (5R 2·6/13—glossy finish); 18 per cent yellow (2·5 YR5/12—glossy finish); 6 per cent black (N1—glossy finish); 6 per cent grey (N4—Mat finish); and is free from particles of skin, seeds, minute pieces of core and other defects.

(c) Canada Choice—Tomato juice that possesses a flavour of well ripened tomatoes, a fairly good consistency, a colour equal to or better than the colour produced by spinning a combination of the following Munsell colour discs: 65 per cent red (5R 2·6/13—glossy finish); 25 per cent yellow (2·5 YR5/12—glossy finish); 5 per cent black (N1—glossy finish); 5 per cent grey (N4—Mat finish); and is practically free from particles of skin, seeds, minute pieces of core and other defects.

(2) Tomato Juice Cocktail

Tomato Juice Cocktail—The product containing not less than 80 per cent tomato juice, salt or sugar and any other non-artificial flavouring ingredient or ingredients.

(3) Tomato Catsup

Tomato Catsup (and variants of the word Catsup)—the concentrated product prepared from pulp and juice of tomatoes or tomato trimmings which are free from rot, fermentation, mould and other objectionable matter and with skins and seeds removed; seasoned with vinegar, salt, sugar, spices and with or without permitted preservative or colour; if tomato trimmings are used an appropriate label declaration shall appear directly below the name of the product and the product shall not be labelled "Pure".

(4) Tomato Paste

Tomato Paste—The product prepared with or without permitted preservative, salt or colour, from tomatoes or tomato trimmings which

Meat and Canned Foods Act—continued

are free from rot, fermentation, mould and other objectionable matter; concentrated to yield a product containing not less than 20 per cent of tomato solids (salt-free) determined by drying in vacuo at 70 degrees centigrade and shall not contain skins or seeds.

(5) Tomato Paste (Concentrated)

Tomato Paste (Concentrated)—Tomato paste containing not less than 30 per cent of tomato solids (salt-free).

(6) Tomato Puree

Tomato Puree—The product prepared with or without permitted preservative from tomatoes which are free of rot, fermentation, mould and other objectionable matter; concentrated to yield a product with a specific gravity of not less than 1.05 and shall not contain skins or seeds.

(7) Tomato Pulp

Tomato Pulp—The product prepared with or without permitted preservative from tomatoes or tomato trimmings which are free of rot, fermentation, mould and other objectionable matter; concentrated to yield a product with a specific gravity of not less than 1.05 and shall not contain skins or seeds.

Table II

FROZEN FRUITS AND VEGETABLES

1. FROZEN APPLES (SLICED)

(a) *General Requirements*—Calcium chloride, calcium citrate, mono-calcium phosphate, calcium sulphate, or any combination of these may be used to condition the apples provided that the presence of such conditioner is declared on the label, and provided also that the amount of such conditioner, calculated as calcium, shall not be more than 0.026 per cent by weight of the finished product.

(b) *Canada Fancy*—Apples that possess similar varietal characteristics, a normal flavour and odour, a practically uniform bright characteristic colour, a tender texture; the slices cut longitudinally to a thickness of not less than one-half inch shall be uniform in size and shall remain whole; apples less than two and one-quarter inches in diameter shall not be used; and are practically free from peel, core, insect injury, bruises and other defects.

(c) *Canada Choice*—Apples that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform bright characteristic colour, a fairly tender texture; the slices cut longitudinally to a thickness of not less than one-half inch shall be fairly uniform in size and shall remain 80 per cent whole; and are practically free from peel, core, insect injury, bruises and other defects.

2. FROZEN APRICOTS

(a) *Canada Fancy*—Apricots that possess similar varietal characteristics, a normal flavour and odour, a practically uniform bright colour typical of well-matured apricots, a tender texture; are fairly uniform in size and shape, are not less than one and one-quarter inches in diameter and are practically free from blemishes, crushed or broken pieces, loose pits, stems and other defects; the syrup shall be fairly clear.

Meat and Canned Foods Act—continued

(b) *Canada Choice*—Apricots that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform colour typical of well-matured apricots, a fairly tender texture; are fairly uniform in size and shape, are not less than one and one-quarter inches in diameter and are practically free from blemishes, crushed or broken pieces, loose pits, stems and other defects; the syrup shall be fairly clear.

3. FROZEN ASPARAGUS

(1) *Asparagus (Cuts or Cuttings)*

(a) *Canada Fancy*—Asparagus that possess similar varietal characteristics, a normal flavour and odour, a practically uniform colour, a texture typical of crisp, tender asparagus that are free from any coarse, fibrous or woody material; contain not less than 20 per cent by count of compact heads; are evenly cut from whole spears to a uniform length not exceeding one and one-half inches and are practically free from dirt, disease injury, insect injury and other defects.

(b) *Canada Choice*—Asparagus that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform colour, a texture typical of fairly crisp, tender asparagus that are 90 per cent free from any coarse, fibrous or woody material; contain not less than 10 per cent by count of compact heads; are fairly evenly cut to a length not exceeding one and one-half inches and are practically free from dirt, disease injury, insect injury and other defects; this product may be packed without tips if appropriately labelled with the words “tips removed” or “without tips” appearing directly below the name of the product and in type of equal size not less prominent than the name of the product.

(2) *Asparagus (Tips or Spears)*

(a) *General Requirements*—

- (i) The asparagus shall be packed parallel and as closely together as practicable without injury to the product and shall not be over four and one-half inches in length.
- (ii) When asparagus is graded for size, the following shall be the optional number and word designations for the corresponding sizes of asparagus as outlined herein:

Approximate diameter of base of spears (in inches)	Number designation	Optional word designation
$\frac{3}{8}$	Size 1	Small
$\frac{4}{8}$	Size 2	Medium
$\frac{5}{8}$ and over.....	Size 3	Large

- (iii) When asparagus is not graded for size, it shall be labelled “Ungraded as to Size”, “Assorted Sizes” or “Mixed Sizes”.
- (iv) Asparagus over four and one-half inches in length shall be labelled “Asparagus”.

(b) *Canada Fancy*—Asparagus that possess similar varietal characteristics, a normal flavour and odour, a uniform colour, a texture typical

Meat and Canned Foods Act—continued

of crisp, compact, tender asparagus that are not flowered in any way, a uniform size when size is claimed; and are practically free from woody butts, decay, crooked tips or spears, dirt, disease injury, insect injury and other defects.

(c) *Canada Choice*—Asparagus that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform colour, a texture typical of fairly crisp, compact, tender asparagus, a fairly uniform size when size is claimed; and are practically free from woody butts, decay, crooked tips or spears, dirt, disease injury, insect injury and other defects.

4. FROZEN BEANS (GREEN OR WAX)

(a) *General Requirements*—

- (i) When beans are graded for size, the following shall be the optional number and word designations for the corresponding sizes of beans as outlined herein:

Size of Beans* (inches in thickness)	Number designation	Optional word designation
Less than 14½/64.....	Size 1	Small
14½/64 to 18½/64.....	Size 2	
18½/64 to 21/64.....	Size 3	Medium
21/64 to 24/64.....	Size 4	
24/64 to 27/64.....	Size 5	Large
27/64 or more.....	Size 6	

*The size of the bean is determined by measuring the shorter diameter transversely to the long axis at the thickest portion of the pod.

- (ii) When beans are not graded for size, they shall be labelled “Ungraded as to Size”, “Assorted Sizes” or “Mixed Sizes”.

(b) *Styles of Beans*—

- (i) “*Cut*”—Beans consisting of pods that are cut transversely into pieces from three-quarters to two inches in length and may contain shorter end pieces which result from cutting.
- (ii) “*French Style*”, “*French Cut*” or “*Julienne*”—Beans consisting of pods that are sliced lengthwise into strips of varying lengths.

(c) *Canada Fancy*—Beans that possess similar varietal characteristics, a normal flavour and odour, a uniform bright colour, a uniform texture typical of young, full fleshed, tender beans that are practically free from seeds and strings; and are practically free from unsnipped ends, small end pieces, ragged cut, blemishes and other defects.

(d) *Canada Choice*—Beans that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform colour, a texture typical of tender beans that are fairly free from seeds and strings; and are fairly free from unsnipped ends, small end pieces, ragged cut, blemishes and other defects.

Meat and Canned Foods Act—continued**5. FROZEN BEANS, LIMA**

(a) *Canada Fancy*—Beans that possess a normal flavour and odour, a uniform texture typical of young, tender beans; are 90 per cent green in colour of which not more than one per cent by count may be white, and are practically free from skins, splits, blemishes and other defects.

(b) *Canada Choice*—Beans that possess a normal flavour and odour, a fairly uniform texture; are 50 per cent green in colour of which not more than 25 per cent by count may be white, and are fairly free from skins, splits, blemishes and other defects.

6. FROZEN BERRIES (SMALL FRUITS)**(1) Blackberries**

The grades for blackberries shall correspond to the grades set forth in this Table for raspberries.

(2) Blueberries

(a) *Canada Fancy*—Blueberries that possess similar varietal characteristics, a normal flavour and odour, a practically uniform bright dark colour typical of well-matured blueberries; are 90 per cent whole and intact, 90 per cent uniform in size and are practically free from leaves, stems, undeveloped or dried berries, insect injury and other defects; the syrup shall be practically free from sediment.

(b) *Canada Choice*—Blueberries that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform dark colour typical of well-matured blueberries; are 80 per cent whole and intact, 80 per cent uniform in size and are fairly free from leaves, stems, undeveloped or dried berries, insect injury and other defects; the syrup shall be fairly free from sediment.

(3) Currants

The grades for currants shall correspond to the grades set forth in this Table for raspberries.

(4) Gooseberries

The grades for gooseberries shall correspond to the grades set forth in this Table for raspberries.

(5) Lawtonberries

The grades for lawtonberries shall correspond to the grades set forth in this Table for raspberries.

(6) Loganberries

The grades for loganberries shall correspond to the grades set forth in this Table for raspberries.

(7) Raspberries

(a) *Canada Fancy*—Raspberries that possess similar varietal characteristics, a normal flavour and odour, a good bright characteristic colour, a texture typical of sound, ripe, tender berries; are 90 per cent whole and

Meat and Canned Foods Act—continued

intact, 90 per cent uniform in size and maturity and are practically free from stems, leaves, green or dried berries, insect injury and other defects; the syrup shall be clear.

(b) *Canada Choice*—Raspberries that possess similar varietal characteristics, a normal flavour and odour, a fairly good characteristic colour, a texture typical of sound, ripe, tender berries; are 75 per cent whole and intact, 75 per cent uniform in size and maturity and are practically free from stems, leaves, green or dried berries, insect and other defects; the syrup shall be fairly clear.

(8) *Strawberries (Sliced)*

(a) *Canada Fancy*—Strawberries that possess similar varietal characteristics, a normal flavour and odour, a practically uniform bright red colour typical of sound, ripe berries; are 90 per cent free from green tips or white centres and are practically free from stem, leaves, green or dried berries, insect injury and other defects; the syrup shall be clear.

(b) *Canada Choice*—Strawberries that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform red colour typical of sound, ripe berries; are 75 per cent free from green tips or white centres and are practically free from stems, leaves, green or dried berries, insect injury and other defects; the syrup shall be fairly clear.

(9) *Strawberries (Whole)*

(a) *Canada Fancy*—Strawberries that possess similar varietal characteristics, a normal flavour and odour, a practically uniform bright characteristic colour typical of sound, ripe strawberries; are whole, 90 per cent uniform in size, not less than five-eighths of an inch in diameter and are practically free from stems, leaves, green tips, immature berries, insect-injury and other defects; the syrup shall be clear.

(b) *Canada Choice*—Strawberries that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform characteristic colour typical of sound, ripe strawberries; are mostly whole, 80 per cent uniform in size and are practically free from stems, leaves, green tips, immature berries, insect injury and other defects; the syrup shall be fairly clear.

(10) *Thimbleberries*

The grades for thimbleberries shall correspond to the grades set forth in this Table for raspberries.

7. FROZEN BROCCOLI

(a) *Canada Fancy*—Broccoli that possess similar varietal characteristics, a normal flavour and odour, a practically uniform bright colour, a tender texture, a uniform size; and are practically free from ricey or open florets, blemishes and other defects.

(b) *Canada Choice*—Broccoli that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform bright colour, a fairly tender texture, a fairly uniform size; and are fairly free from ricey or open florets, blemishes and other defects.

Meat and Canned Foods Act—continued**8. FROZEN BRUSSELS SPROUTS**

(a) *Canada Fancy*—Brussels Sprouts that possess similar varietal characteristics, a normal flavour and odour, a uniform bright colour, a tender texture, a uniform size; and are practically free from loose or open heads, blemishes and other defects.

(b) *Canada Choice*—Brussels Sprouts that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform bright colour, a fairly tender texture, a fairly uniform size; and are fairly free from loose or open heads, blemishes and other defects.

9. FROZEN CANTALOUPE

(a) *Canada Fancy*—Cantaloupes that possess similar varietal characteristics, a normal flavour and odour, a uniform bright colour typical of sound, ripe cantaloupe; are 90 per cent uniform in texture and size and are practically free from seeds, rind, blemishes, irregularly shaped cubes and other defects.

(b) *Canada Choice*—Cantaloupes that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform bright colour typical of sound, ripe cantaloupe; are 75 per cent uniform in texture and size, practically free from seeds, rind, blemishes and other defects and are fairly free from irregularly shaped cubes.

10. FROZEN CARROTS**(1) Carrots (Whole)**

(a) *Canada Fancy*—Carrots that possess similar varietal characteristics, a normal flavour and odour, a uniform bright colour, a texture typical of young, tender carrots; are of a size not exceeding one inch in diameter and not varying more than one-quarter inch and are practically free from skins, roots, stems, discolouration, insect injury, mechanical injury and other defects.

(b) *Canada Choice*—Carrots that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform bright colour, a texture typical of fairly young, tender carrots; are of a size not exceeding one and one-half inches in diameter and not varying more than one-half inch and are fairly free from skins, roots, stems, discolouration, insect injury, mechanical injury and other defects.

(2) Carrots (Sliced)

The grades for sliced carrots shall correspond to the grades set forth for whole carrots except for size and shape requirements.

(a) *Canada Fancy*—The slices prepared from carrots not exceeding one and one-quarter inches in diameter shall not exceed one-quarter inch when measured at the thickest portion and shall be practically uniform in thickness.

(b) *Canada Choice*—The slices prepared from carrots not exceeding two inches in diameter shall not exceed one-quarter inch when measured at the thickest portion and shall be fairly uniform in thickness.

Meat and Canned Foods Act—continued

11. FROZEN CAULIFLOWER

(a) *Canada Fancy*—Cauliflower that possesses similar varietal characteristics, a normal flavour and odour, a practically uniform white colour, a texture typical of tender, compact cauliflower, pieces of uniform size; and is practically free from blemishes, insect injury and other defects.

(b) *Canada Choice*—Cauliflower that possesses similar varietal characteristics, a normal flavour and odour, a fairly uniform white colour, a texture typical of fairly tender, compact cauliflower, pieces of fairly uniform size; and is practically free from blemishes, insect injury and other defects.

12. FROZEN CHERRIES

(a) *Canada Fancy*—Cherries that possess similar varietal characteristics, a normal flavour and odour, a practically uniform good bright characteristic colour; are firm fleshed, large and whole, 90 per cent uniform in size and are practically free from stems, cracks, misshapen cherries, insect injury, blemishes and other defects; if pitted the cherries shall be free from pits or portions thereof; the syrup shall be clear.

(b) *Canada Choice*—Cherries that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform good characteristic colour; are firm fleshed, 80 per cent uniform in size and are fairly free from stems, cracks, misshapen cherries, insect injury, blemishes and other defects; if unpitted the cherries shall remain whole, if pitted the cherries shall remain 75 per cent whole and shall be practically free from pits or portions thereof; the syrup shall be clear.

13. FROZEN CORN

(a) *General Requirement*—All corn shall be packed from the varieties known to the trade as "Sweet Corn"; the ears of corn shall be picked from the stalks when tender and in the early cream stage.

(b) *Styles of Corn*—

(i) *"Whole or Cut Kernel"*—Prepared from corn removed from the cob by cutting in such a manner as to leave the kernel substantially whole.

(ii) *"Corn-on-Cob"*—Prepared from young tender ears of corn which are trimmed and evenly cut.

(1) Corn (Whole or Cut Kernel)

(a) *Canada Fancy*—Corn that possesses similar varietal characteristics, a normal flavour and odour, a practically uniform bright colour typical of young, tender, well developed kernels; is well cut and is practically free from silk, adhering cob tissue, ragged torn kernels, insect injury and other defects.

(b) *Canada Choice*—Corn that possesses similar varietal characteristics, a normal flavour and odour, a fairly uniform colour typical of tender, well developed kernels; is fairly well cut and is fairly free from silk, adhering cob tissue, ragged torn kernels, insect injury and other defects.

(2) Corn-on-Cob

(a) *Canada Fancy*—Corn that possesses similar varietal characteristics, a normal flavour and odour, a good uniform bright colour; is tender, well trimmed, practically uniform in size and is practically free from silk, insect injury and other defects.

Meat and Canned Foods Act—continued

(b) *Canada Choice*—Corn that possesses similar varietal characteristics, a normal flavour and odour, a fairly good uniform bright colour; is fairly tender, well trimmed, fairly uniform in size and is fairly free from silk, insect injury and other defects.

14. FROZEN FRUITS FOR PIES

Fruits for Pies—The product prepared from ripe fruit that need not be uniform in size, colour or maturity; no declaration of grade is required, but if a grade is declared, the product shall be graded on the basis of frozen fruit of similar name; the words “For Pies” shall appear in letters not less than one-quarter of an inch in height on the label.

15. FROZEN MIXED FRUIT PRODUCTS

(1) *Fruit Cocktail*

(a) *General Requirements*—

(i) Fruit cocktail consists of the following ingredients and in proportion of drained weight as follows:

Fruit	Style	Proportion of drained weight per cent
Peaches.....	.....Diced into approximate cubes.....	30-50
Pears (Bartlett's and other similar varieties).....	.....Diced into approximate cubes.....	25-45
Pineapple.....	.....Cut into segments or into approxi- mate one-half inch cubes	6-16
Maraschino Cherries and/or Grapes.....	.....Whole or halved.....	2-20

(ii) The use of colour and artificial flavour is permitted for cherries.

(b) *Canada Fancy*—Fruit cocktail that possesses a normal flavour and odour, a good bright colour which is practically free from staining; pieces are practically uniform in size and are practically free from defects; each fruit must conform to the grade requirement of Canada Fancy for such fruit.

(c) *Canada Choice*—Fruit cocktail that possesses a normal flavour and odour, a good colour with not more than slight staining; pieces are fairly uniform in size and are fairly free from defects; each fruit must conform at least to the grade requirement of Canada Choice for such fruit.

(2) *Fruit Salad*

(a) *General Requirements*—

(i) Prepared from any combination of any two or more fruits, diced, halved or quartered; the predominating fruit shall not exceed 60 per cent of the total product.

Meat and Canned Foods Act—continued

(ii) The use of colour and artificial flavour is permitted for cherries.

(b) The grades for “Fruit Salad” shall correspond to the grades set forth for “Fruit Cocktail”.

(3) Fruits for Salad

(a) General Requirements—

(i) Fruits for salad consist of the following ingredients and in proportion of drained weight as follows:

Fruits	Style	Proportion of drained weight per cent
Peaches.....	Peeled (halved, quartered or sliced)	24-40
Pears (Bartlett’s and other similar varieties)	Peeled and cored (halved, quartered or sliced)	21-35
Apricots.....	Peeled or unpeeled (halved).....	18-30
Pineapple.....	Wedge shaped segments.....	8-16
Cherries..... or Grapes.....	Maraschino type or natural whole, pitted cherries Whole	3-8

(ii) The use of colour and artificial flavour is permitted for cherries.

(b) The grades for “Fruits for Salad” shall correspond to the grades set forth for “Fruit Cocktail”.

16. FROZEN MIXED VEGETABLES OR MACEDOINE

Mixed Vegetables or Macedoine—The product containing a combination of vegetables, all vegetables present shall be named on the label in order of amount used in the product; no declaration of grade is required, but if a grade is declared, the product shall be graded on the basis of the respective vegetables that enter into its composition.

17. FROZEN PEACHES

(1) Peaches (Halved, Quartered or Whole)

(a) Canada Fancy—Peaches that possess similar varietal characteristics, a normal flavour and odour, a practically uniform bright characteristic colour; are 90 per cent uniform in size and maturity, thick and fleshy and without excessive frayed edges, soft but not broken and are practically free from stems, peel, insect injury, other defects, and if halved or quartered, free from pits or pieces of pit; no peaches less than two inches in diameter shall be used; clingstone peaches may be slightly firm; the syrup shall be practically clear.

(b) Canada Choice—Peaches that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform characteristic colour; are 70 per cent uniform in size and maturity, may be soft or slightly firm but

Meat and Canned Foods Act—continued

not broken and without excessive frayed edges and are practically free from stems, peel, insect injury, other defects and if halved or quartered, practically free from pits or pieces of pit; no peaches less than one and three-quarters inches in diameter shall be used; clingstone peaches may be fairly firm; the syrup shall be fairly clear.

(2) Peaches (Sliced)

The grades for sliced peaches shall correspond to the grades set forth for halved peaches except for maturity requirements and syrup clarity.

(a) *Canada Fancy*—The slices may be soft or slightly firm and shall be 85 per cent whole and intact; the syrup may be slightly cloudy.

(b) *Canada Choice*—The slices may be soft or fairly firm and shall be 65 per cent whole and intact; the syrup may be slightly cloudy.

18. FROZEN PEAS

(a) *General Requirements*—

(i) When peas are graded for size, the following shall be the optional number and word designations for the corresponding sizes of peas as outlined herein:

Screen mesh	Number designation	Optional word designation
Peas passing through a screen of 9/32 inch mesh...	Size 1	Small
Peas passing through a screen of 10/32 inch mesh, but not through a screen of 9/32 inch mesh	Size 2	
Peas passing through a screen of 11/32 inch mesh, but not through a screen of 10/32 inch mesh	Size 3	Medium
Peas passing through a screen of 12/32 inch mesh, but not through a screen of 11/32 inch mesh	Size 4	
Peas passing through a screen of 13/32 inch mesh, but not through a screen of 12/32 inch mesh	Size 5	Large

(ii) When peas are not graded for size, they shall be labelled “Ungraded as to Size”, “Assorted Sizes” or “Mixed Sizes”.

(iii) Frozen peas not meeting these grades but otherwise sound and fit for food, may be sold for remanufacturing purposes if labelled “Peas for Soup Stock”.

(b) *Canada Fancy*—Peas that possess similar varietal characteristics, a normal flavour and odour, a practically uniform colour, a texture typical of young, tender peas; and are practically free from loose skins, splits, mashed or broken peas, blemishes and other defects.

(c) *Canada Choice*—Peas that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform colour, a texture typical of fairly young, slightly mealy but not firm peas; and are fairly free from loose skins, splits, mashed or broken peas, blemishes and other defects.

Meat and Canned Foods Act—continued**19. FROZEN PLUMS—PRUNE PLUMS**

(a) *Canada Fancy*—Plums, prune plums that possess similar varietal characteristics, a normal flavour and odour, a uniform bright colour characteristic of ripe, firm plums; are whole, practically uniform in size and maturity and are practically free from stems, leaves, blemishes, and other defects; no plums under one inch and no prune plums under one and one-eighth inches in diameter shall be used; the syrup shall be clear.

(b) *Canada Choice*—Plums, prune plums that possess similar varietal characteristics, a normal flavour and odour, a fairly uniform, bright colour characteristic of ripe, firm plums; are 90 per cent whole, fairly uniform in size and maturity and are practically free from stems, leaves, blemishes and other defects; no plums under one inch and no prune plums under one and one-eighth inches in diameter shall be used; the syrup shall be fairly clear.

20. FROZEN PUMPKIN AND SQUASH*(1) Pumpkin*

(a) *General*—A mixture of pumpkin and squash may be labelled as “Pumpkin” providing the amount of squash does not exceed 40 per cent of the product.

(b) *Canada Fancy*—Pumpkin that possesses a normal flavour and odour, a practically uniform characteristic colour, a smooth fine texture and finish, a heavy consistency; and is practically free from portions of skins, seeds, shreds, fibre and other defects.

(c) *Canada Choice*—Pumpkin that possesses a normal flavour and odour, a fairly uniform characteristic colour, a smooth finish, a heavy consistency; and is fairly free from portions of skins, seeds, shreds, fibre and other defects.

(2) Squash

The grades for squash shall correspond to the grades set forth for pumpkin.

21. FROZEN SPINACH*(a) Styles of Spinach—*

(i) *“Whole or Whole Leaf”*—Spinach that consists substantially of the leaf and adjoining portions of the leaf.

(ii) *“Cut or Chopped”*—Spinach that consists of the leaf and adjoining portions of the leaf which have been cut or chopped into small pieces.

(b) *Canada Fancy*—Spinach that possesses a normal flavour and odour, a practically uniform green colour; is young and tender, free of grit and is practically free from seedy heads, large leaf stems, grass or weeds, root stubs, spotted, blemished or wilted leaves and other defects.

(c) *Canada Choice*—Spinach that possesses a normal flavour and odour, a fairly good green colour; is reasonably young and tender, free of grit and is fairly free from seedy heads, large leaf stems, grass or weeds, root stubs, spotted, blemished or wilted leaves and other defects.

Meat and Canned Foods Act—continued**Table III****DEHYDRATED FRUITS AND VEGETABLES****1. Dehydrated Apples****(a) Styles of Dehydrated Apples—**

- (i) *Dehydrated Apples*—Apples that have been prepared from firm, ripe apples that have been peeled, cored and cut into pieces from which the greater portion of moisture has been removed.
- (ii) *Rings*—Pieces of apples that are obtained by slicing whole apples at right angles to the core; such rings may be cut or broken on one side, but at least three-quarters of the ring shall be intact.
- (iii) *Quarters or Segments*—Pieces of apples that are obtained by cutting whole apples longitudinally into four or more approximately equal pieces.

(b) General Requirements

- (i) The moisture content of dehydrated apples, chips and apple chop shall be not more than 22 per cent as determined by the method employed by the Department of Agriculture, Ottawa; the moisture content may exceed 22 per cent in dehydrated apples with a sulphur content higher than the minimum (700 p.p.m.) on the basis of an additional 100 p.p.m. of sulphur dioxide for each one-quarter per cent of moisture to a maximum of 24 per cent moisture.
- (ii) The moisture content of apple skins and cores shall be not more than 15 per cent as determined by the method employed by the Department of Agriculture, Ottawa.
- (iii) The use of sulphur dioxide shall be consistent with the requirements set forth in the Food and Drugs Act; all dehydrated apples that have been bleached shall contain not less than seven hundred parts and not more than twenty-five hundred parts per million of sulphur dioxide.
- (iv) All packages of dehydrated apples that have been bleached shall show the words "Contain Sulphur Dioxide" or any equivalent phrase on the label.
- (v) Unbleached dehydrated apples shall be declared "Unbleached".
- (vi) No smoke odour shall be present in any grade.

(1) Apples (Rings, Quarters and Segments)

(a) *Canada Fancy*—Apples that possess a practically uniform bright characteristic colour; are 90 per cent free from pieces containing core, 80 per cent whole, 80 per cent uniform in size and not more than 2 per cent may pass through a five-eighths inch screen and are practically free from bruises, pieces of skin, water core, blossom ends, stems, blemishes, discolouration and other defects.

(b) *Canada Choice*—Apples that possess a fairly uniform characteristic colour; are 80 per cent free from pieces containing core, 70 per cent whole, 50 per cent uniform in size and not more than 5 per cent may pass

Meat and Canned Foods Act—continued

through a five-eighths inch screen and are 90 per cent free from bruises, pieces of skin, water core, blossom ends, stems, blemishes, discolouration and other defects.

(c) *Canada Standard*—Apples that possess a reasonably uniform colour; are 70 per cent free from pieces containing core, 60 per cent whole, reasonably uniform in size and not more than 8 per cent may pass through a five-eighths inch screen and are 80 per cent free from bruises, pieces of skin, water core, blossom ends, stems, blemishes, discolouration and other defects.

(2) *Apple Chips*

Apple Chips—The product prepared from sound apples or portions thereof; the product shall be 70 per cent free from skin or core and 70 per cent uniform in colour.

(3) *Apple Skins and Cores*

Apple Skins and Cores—The product prepared from skins, cores and trimmings of clean, sound apples; the product shall be clean, sound, wholesome and free from any deleterious substance.

(4) *Apple Chop*

Apple Chop—The product prepared from clean, sound apples; the product shall be clean, sound, wholesome and free from any deleterious substance.

2. DEHYDRATED BLUEBERRIES

(a) *Canada Fancy*—Blueberries that on rehydration and cooking closely resemble the fresh cooked fruit in colour, flavour, aroma and texture; are 90 per cent whole and separated and are practically free from green fruit, stems, leaves and other defects; the maximum moisture content shall be 15 per cent.

(b) *Canada Choice*—Blueberries that on rehydration and cooking closely resemble the fresh cooked fruit in colour, flavour, aroma and texture; are 70 per cent whole and are practically free from green fruit, stems, leaves and other defects; the maximum moisture content shall be 15 per cent.

3. DEHYDRATED VEGETABLES

(a) *General Requirements*—

- (i) The method for determining peroxidase in dehydrated vegetables shall be the method employed by the Department of Agriculture, Ottawa; the peroxidase test does not apply to beets and onions.
- (ii) In blanched dehydrated vegetables the viable bacteria count in the finished product shall not exceed 50,000 per gram; the number of aerobic thermophilic spores shall not exceed 100 per gram and the organisms of the coliform group shall be absent from one-tenth gram; in unblanched dehydrated vegetables the viable bacteria count in the finished product shall not exceed 1,000,000 per gram and the number of aerobic thermophilic spores shall not exceed 100 per gram; the methods for bacteriological analysis shall be those approved by the Chief, Bacteriology Division, Science Service, Department of Agriculture, Ottawa.

Meat and Canned Foods Act—continued

(b) *Canada Fancy*—Vegetables that possess clean cut pieces without ragged edges, not more than 10 per cent of broken pieces or more than 5 per cent of pieces which will go through a screen four meshes to the inch for stripped vegetables, or six meshes to the inch for leafy vegetables; are 90 per cent free from blemishes, discolouration, scorching, peel core, trim and other defects; on rehydration and cooking the product shall closely resemble the fresh, cooked vegetable in colour, flavour, aroma and texture; the maximum moisture contents for vegetables in this grade are: cabbage 4·5 per cent; parsnips, potatoes and beets 6·5 per cent; other vegetables 5 per cent; there shall be no more than a trace of peroxidase in the dehydrated material with the exception of turnips in which there shall be no more than a faint reaction.

(c) *Canada Choice*—Vegetables that possess fairly clean cut pieces without ragged edges, not more than 20 per cent of broken pieces or more than 10 per cent of pieces which will go through a screen four meshes to the inch for stripped vegetables, or six meshes to the inch for leafy vegetables; are 90 per cent free from blemishes, discolouration, scorching, peel, core, trim and other defects; on rehydration and cooking the product shall closely resemble the fresh cooked vegetable in colour, flavour, aroma and texture; the maximum moisture contents for vegetables in this grade are: cabbage 5 per cent; parsnips, potatoes and beets 7·5 per cent; other vegetables 6 per cent; there shall be no more than a faint reaction of peroxidase in the dehydrated material.

Table IV**FRUIT PRODUCTS****1. APPLE PIE FILLER**

Apple Pie Filler—The product prepared from sound portions of mature apples that have been peeled, cored, and cut into segments or rings; with sugar dextrose or a combination consisting of not less than 75 per cent by weight of sugar or dextrose and not more than 25 per cent by weight of glucose; if declared on the label, preservative, thickener, and glucose in excess of 25 per cent of the total sweetener is permitted; the finished product shall contain not less than 20 per cent of water soluble solids as estimated by the refractometer.

2. BAKERS FRUIT FILLER (FRUIT SPREAD)

Bakers Fruit Filler (Fruit Spread)—The product prepared from any combination of fruit, pectin or pectinous preparation, sugar, dextrose or a combination consisting of not less than 75 per cent by weight of sugar or dextrose and not more than 25 per cent by weight of glucose; if declared on the label, colour, artificial flavour, preservative, thickener, and glucose in excess of 25 per cent of the total sweetener is permitted.

3. FOUNTAIN FRUITS

Fountain Fruits—Fruits preserved in syrup for soda fountain purposes in which the use of a perservative, colour or artificial flavour is permitted.

Fruit Pulps (for remanufacture)—The product prepared from ripe,

Meat and Canned Foods Act—continued

sound, fruit and preserved in sulphur dioxide or packed in sugar as 2 plus 1 or 3 plus 1 fruits; the fruit may be crushed sliced or whole and need not be uniform in size, colour and maturity; all containers of fruit pulps packed for resale shall show all information required by these regulations to be set forth on the container.

5. GLACÉ FRUIT

Glacé Fruit—Whole or cut fruit impregnated and glazed with sugar or glucose and with or without preservative, colour and artificial flavour; the finished product shall contain not less than 72 per cent soluble solids as estimated by the refractometer.

6. JAMS

(a) *General Requirements—*

- (i) Subject to these regulations, jam shall be made by processing fresh fruit, fruit pulp, or canned fruit with water and a sweetening agent by boiling to a suitable consistency, and with or without the addition of an acid ingredient, colour, preservative or pectin in the form of fruit juice or pectinous preparation.
- (ii) Jam shall contain not less than 66 per cent of water soluble solids as estimated by the refractometer.

(1) *(Naming the Fruit) Jam*

(a) *General Requirements—*

- (i) Strawberry or Raspberry pulp preserved in sulphur dioxide is not permitted as the fruit ingredient.
- (ii) If labelled "Pure", (naming the fruit) jam shall not contain preservative.

(b) (Naming the fruit) Jam is jam which contains

- (i) not less than 45 per cent of the named fruit (other than apple or rhubarb) except where the fruit is strawberry when it shall contain not less than 52 per cent,
- (ii) not less than 2·1 per cent of insoluble solids if the fruit is raspberry or not less than 1·1 per cent of insoluble solids if the fruit is strawberry and
- (iii) a sweetening agent consisting of sugar, invert sugar syrup or dextrose,

and which may contain

- (iv) acid ingredient and pectin or pectinous preparation in a quantity that reasonably compensates for any deficiency in the natural acidity or pectin content of the fruit ingredient and
- (v) preservative.

Meat and Canned Foods Act—continued*(2) (Naming the Fruit) Jam With Added Pectin*

(Naming the fruit) Jam with added pectin is jam which contains

- (i) not less than 27 per cent of the named fruit (other than apple or rhubarb) except where such fruit is strawberry when it shall contain not less than 32 per cent,
 - (ii) not less than 1·2 per cent of insoluble solids if the fruit is raspberry or not less than 0·7 per cent of insoluble solids if the fruit is strawberry,
 - (iii) a sweetening agent consisting of sugar, invert sugar syrup, dextrose or a combination consisting of not less than 75 per cent by weight of sugar, invert sugar, or dextrose and not more than 25 per cent by weight of glucose and
 - (iv) pectin or pectinous preparation
- and which may contain
- (v) acid ingredient in a quantity that reasonably compensates for any deficiency in the natural acidity of the fruit ingredient,
 - (vi) colour and
 - (vii) preservative

(3) Apple (or Rhubarb) and (Naming the Fruit) Jam

Apple (or Rhubarb) and (naming the fruit) Jam is jam which contains

- (i) not less than 12·5 per cent of the named fruit except where such fruit is strawberry when it shall contain not less than 15 per cent,
 - (ii) not less than 20 per cent of apple or rhubarb pulp and
 - (iii) a sweetening agent consisting of sugar, invert sugar syrup, dextrose or a combination consisting of not less than 75 per cent by weight of sugar, invert sugar, or dextrose and not more than 25 per cent by weight of glucose; provided that glucose in excess of 25 per cent by weight of the sweetening agent may be used if declared on the label,
- and which may contain
- (iv) pectin or pectinous preparation, which if used, shall be declared on the label,
 - (v) acid ingredient in a quantity that reasonably compensates for any deficiency in the natural acidity of the fruit ingredient.
 - (vi) colour and
 - (vii) preservative.

7. JELLIES*(a) General Requirements—*

- (i) Subject to these regulations, jelly is the gelatinous product, free of seeds and pulp, made from the juice of the named whole fruit or a concentrate of the juice of the named whole fruit, which has been boiled with water and sweetening agent hereinafter prescribed and with or without the addition of an acid ingredient, juice of another fruit, pectin or pectinous preparation, gelling agent, colour and preservative.
- (ii) Jelly shall contain not less than 62 per cent of water soluble solids as estimated by the refractometer.

Meat and Canned Foods Act—continued

- (iii) (Naming the fruit) jelly may be labelled "Pure".
- (iv) The standards for jelly do not apply to jellied cranberries, cranberry jelly and cranberry sauce.

(1) (Naming the Fruit) Jelly

(Naming the fruit) jelly is jelly which contains

- (i) the juice of the fruit named on the label and
 - (ii) sugar, invert sugar syrup, or dextrose,
- and which may contain
- (iii) acid ingredient and pectin or pectinous preparation in a quantity that compensates for any deficiency in the natural acidity or pectin content of the fruit ingredient.

(2) (Naming the Fruit) Jelly with Added Pectin

(Naming the fruit) jelly with added pectin is jelly which contains

- (i) not less than 32 per cent of the juice of the named fruit,
 - (ii) sugar, invert sugar syrup, dextrose or a combination consisting of not less than 75 per cent by weight of sugar, invert sugar, or dextrose and not more than 25 per cent by weight of glucose and
 - (iii) pectin or pectinous preparation,
- and which may contain
- (iv) acid ingredient in a quantity that reasonably compensates for any deficiency in the natural acidity of the fruit ingredient,
 - (v) juice of another fruit,
 - (vi) gelling agent,
 - (vii) colour and
 - (viii) preservative.

8. MARMALADE (CITRUS FRUIT ORIGIN)

(a) General Requirements—

- (i) Subject to these regulations, marmalade is the product or jelly-like consistency made from any combination of peel, pulp, or juice of the named citrus fruit, which has been boiled with sweetening agent hereinafter prescribed and with or without the addition of an acid ingredient, pectin or pectinous preparation and preservative.
- (ii) Marmalade shall contain not less than 65 per cent water soluble solids as estimated by the refractometer.

(1) (Naming the Citrus Fruit) Marmalade

(Naming the citrus fruit) Marmalade is marmalade which contains

- (i) any combination of peel, pulp, and juice of the named citrus fruit and
 - (ii) sugar, invert sugar syrup, or dextrose,
- and which may contain
- (iii) acid ingredient in a quantity that reasonably compensates for any deficiency in the natural acidity of the fruit ingredient.

Meat and Canned Foods Act—continued*(2) (Naming the Citrus Fruit) Marmalade with Added Pectin*

(Naming the citrus fruit) Marmalade with added pectin is marmalade which contains

- (i) not less than 27 per cent of any combination of peel, pulp, and juice of the named citrus fruit,
- (ii) sugar, invert sugar syrup, dextrose, or a combination consisting of not less than 75 per cent by weight of sugar, invert sugar, or dextrose and not more than 25 per cent by weight of glucose and
- (iii) pectin or pectinous preparation,

and which may contain

- (iv) acid ingredient in a quantity that reasonably compensates for any deficiency in the natural acidity of the fruit ingredient and
- (v) preservative.

9. MINCEMEAT, FRUIT MINCE

(a) *General Requirements*—All meat used in the preparation of mincemeat, fruit mince shall be inspected and approved in an establishment where government inspection is maintained.

(b) *Mincemeat, Fruit Mince*—The product containing fruit or dried fruit of which apple is the principal fruit ingredient, suet, salt, spices and sweetening agent, with or without vinegar, fresh, concentrated or fermented fruit juice, spirituous liquor, nuts, cooked meat and preservative.

10. MINT JELLY OR JELLIED MINT

Mint Jelly or Jellied Mint—The product prepared from apple juice, pectin or pectinous preparation, sugar, invert sugar syrup, dextrose or a combination consisting of not less than 75 per cent by weight of sugar, invert sugar, or dextrose and not more than 25 per cent by weight of glucose; and with or without mint juice, mint leaves, colour and artificial flavour.

11. PINEAPPLE, FIG OR GINGER MARMALADE

General Requirements—

- (i) Subject to these regulations, pineapple, fig or ginger marmalade is the product of jelly-like consistency made from the pulp and natural juice of the named fruit or ginger, which has been boiled with water and sweetening agent hereinafter prescribed and with or without the addition of an acid ingredient, pectin or pectinous preparation, colour and preservative.
- (ii) Pineapple, fig or ginger marmalade shall contain not less than 65 per cent water soluble solids as estimated by the refractometer.

Meat and Canned Foods Act—continued

(1) Pineapple, Fig or Ginger Marmalade

Pineapple, fig or ginger marmalade is marmalade which contains

- (i) 45 per cent of the named fruit or ginger and
- (ii) sugar, invert sugar syrup or dextrose,

and which may contain

- (iii) acid ingredient or pectin and pectinous preparation in a quantity that reasonably compensates for any deficiency in the natural acidity or pectin content of the fruit or ginger ingredient.

(2) Pineapple, Fig or Ginger Marmalade with Added Pectin

Pineapple, fig or ginger marmalade with added pectin is marmalade which contains

- (i) 27 per cent of the named fruit or ginger,
- (ii) sugar, invert sugar syrup, dextrose, or a combination consisting of not less than 75 per cent by weight of sugar, invert sugar, or dextrose and not more than 25 per cent by weight of glucose and
- (iii) pectin or pectinous preparation,

and which may contain

- (iv) acid ingredient in a quantity that reasonably compensates for any deficiency in the natural acidity of the fruit or ginger ingredient,
- (v) colour and
- (vi) preservative.

12. PRESERVES (CONSERVES)

(Naming the fruit) Preserve (Conserve)—The product made by processing fruit other than apple or rhubarb with sugar, invert sugar syrup or dextrose and which shall contain not less than 45 parts by weight of the named fruit to each 55 parts by weight of sugar, invert sugar or dextrose and not less than 60 per cent and not more than 65 per cent water soluble solids as estimated by the refractometer.

2. Regulations governing the inspection of meats

P.C. 1954-1906

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the Meat and Canned Foods Act, is pleased to order as follows:

1. The Regulations governing the inspection of meats, established by Order in Council P.C. 588 of 10th February, 1949, as amended, are hereby revoked; and

Meat and Canned Foods Act—continued

2. The annexed "Regulations governing the Inspection of Meats" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING THE INSPECTION OF MEATS

Definitions

1. In these Regulations, unless the context otherwise requires,
 - (i) "Act" means the Meat and Canned Foods Act;
 - (ii) "bacon" means cured half carcasses, backs or bellies of pork;
 - (iii) "carcasses" means the carcasses of cattle, swine, sheep, goats, domestic rabbits, game and poultry;
 - (iv) "compound lard" means a mixture of animal and vegetable fats and oils. It shall be free from rancidity, be made from sound and pure materials, and contain not more than one per cent of substances other than fatty acids and fat, and at least fifty-one per cent of actual lard shall be present in the product;
 - (v) "condemned" means that carcasses, portions or products thereof so marked have been found by an inspector to be unfit for food;
 - (vi) "container" means receptacle or covering in which any carcass, portion or product thereof is placed;
 - (vii) "Department" means the Department of Agriculture;
 - (viii) "dripping" means fat that has dripped from meat in the process of cooking by dry heat;
 - (ix) "edible" means fit for human food;
 - (x) "edible gelatin" means the product defined under this name by the regulations made under the Food and Drugs Act. The method of determining the amount of ash-free solids and of ash in the water-free substance shall be that required by these regulations;
 - (xi) "establishment" means any abattoir, packing house or other premises in which animals are slaughtered for export or in which carcasses, portions or products thereof are prepared for food for export or are stored for export;
 - (xii) "export" means export out of Canada or out of any province or territory thereof to any other province or territory thereof;
 - (xiii) "farmer" means a person whose recognized occupation is that of farming and who slaughters only such animals as are fed by him on his own premises;
 - (xiv) "first dealer" means
 - (a) any packer who buys food products packed by another for sale under his own label, or
 - (b) any person operating premises at which he pays business tax or otherwise is assessed as a wholesale or retail dealer who buys food products for sale under his own label;
 - (xv) "food" means every article used for food or drink by man and every ingredient used for mixing with the food or drink of man for any purpose;
 - (xvi) "ham" means a pork ham. Beef ham or other hams shall be so designated;

Meat and Canned Foods Act—continued

- (xvii) “held” means that carcasses, portions or products thereof or articles so marked have been retained for further examination or for any other purpose;
- (xviii) “import” means import into Canada or into any province or territory thereof from any other province or territory thereof;
- (xix) “inedible” means unfit for human food;
- (xx) “Inspection Legend” means the official mark placed upon carcasses, portions or edible products thereof which have passed inspection, or upon packages containing the same;
- (xxi) “Inspector” means an Inspector appointed under the Act;
- (xxii) “label” means any printed, embossed or lithographed design, label, tag, sticker, seal, wrapper, stencil, material or receptacle upon which are shown the requirements of section 7 hereof;
- (xxiii) “lard” means the rendered fat from hogs in good health at the time of slaughter. It shall be clean, free from rancidity, and contain necessarily incorporated in the process of rendering not more than one per cent of substances other than fatty acids and fat;
- (xxiv) “leaf lard” means lard rendered at a moderately high temperature from the internal fat of the abdomen of the hog, excluding that adherent to the intestines, which has an iodine value (Hanus) not greater than sixty-five, and contains not more than one per cent of substances other than fatty acids and fat;
- (xxv) “meat” means the clean, sound, properly dressed flesh of one or more animals, healthy at the time of slaughter, and includes the heart, tongue, diaphragm and oesophagus in addition to the skeletal musculature with attendant tissues; but does not include the muscle and attendant tissues of the lips, snout and ears;
- (xxvi) “meat by-product” means the clean, sound, edible parts other than meat, derived from one or more animals, healthy at the time of slaughter, and shall include the tissue residues from the processes whereby edible fats are dry rendered;
- (xxvii) “Minister” means the Minister of Agriculture;
- (xxviii) “package” means the inner or outer container or wrapper which is used or is to be used for carcasses, or portions or products thereof, together with the contents placed therein;
- (xxix) “packer” means any person, firm or corporation operating an establishment;
- (xxx) “portion” means one of the usual cuts such as sides, quarters, shoulders, hams and bellies, and also entire organs such as tongues, livers and hearts;
- (xxxi) “prepared meat” or “prepared meat by-product” means meat or meat by-product preserved, canned, frozen, cooked, comminuted, or subjected to any combination of these processes with or without any other approved ingredient;
- (xxxii) “product” means anything derived from carcasses or portions thereof;
- (xxxiii) “rejected” means that carcasses, portions or products thereof so marked may be rendered into lard or tallow or cooked until sterile;

Meat and Canned Foods Act—continued

- (xxxiv) “shortening” other than butter, lard or lard compound, means a combination of edible animal or vegetable fats or edible oils variously processed by hydrogenation or otherwise; free from rancidity, objectionable tastes or odours, containing not more than one per cent of substances other than fatty acids and fat;
- (xxxv) “ship” means the overt act of any person leading to the movement by common carrier or other means of public conveyance of any carcass, portion or product thereof, from or to a point outside the province or territory in which he carries on business;
- (xxxvi) “suet” means the fat taken from the region of the kidney or loin or caul fat from a beef carcass;
- (xxxvii) “tallow” means rendered beef fat or rendered mutton fat, or a mixture of both; and
- (xxxviii) “transport” means the overt act of any person leading to the movement, otherwise than by shipping, of any carcass, portion or product thereof from or to a point outside the province or territory in which he carries on business.

Diseases and Conditions

2. The entire carcass and blood of any animal affected with any of the following diseases or conditions shall be condemned and tanked or otherwise disposed of as hereinafter provided:

- (1) Anthrax.
- (2) Black leg.
- (3) Pyemia or Septicemia.
- (4) Rabies.
- (5) Tetanus.
- (6) Malignant catarrh.
- (7) Hog cholera.
- (8) Swine plague.
- (9) Texas fever.
- (10) Parasitic ictero hematuria.
- (11) Traumatic pericarditis.
- (12) Jaundice.
- (13) Uremia.
- (14) Abnormal sexual smell.
- (15) Inflammation (chronic or acute) of any of the following tissues: lungs, pleura, intestines, peritoneum or uterus.
- (16) Parturition (carcasses of animals having given birth to young within ten days preceding slaughter).
- (17) Immaturity—Carcasses of young calves, pigs, kids and lambs are unwholesome and shall be condemned if (a) the meat has the appearance of being water-soaked, or is loose, flabby, tears easily, and can be perforated with the fingers; or (b) its colour is greyish red; or (c) good muscular development as a whole is lacking, especially noticeable on the upper shank of the leg, where small amounts of serous infiltrates or small edematous patches are sometimes present between the muscles; or (d) the tissue which later develops as the fat capsule of the kidneys is edematous, dirty yellow or greyish red, tough, and intermixed with islands of fat.

Meat and Canned Foods Act—continued

(18) Emaciation—with mucoid degeneration.

(19) Anemia.

(20) Tapeworm Cysts—*Cysticercus bovis*, *cysticercus ovis*, unless the infestation is slight in which case the carcass may be rejected and rendered into tallow. When the infestation is slight and is confined to the head and heart, the carcass, after the removal and condemnation of those parts, shall be identified by "Held" tags and kept under refrigeration or in pickle for twenty-one days. Such carcasses, if found fit for food on re-inspection, shall be passed and marked as required by these regulations.

Cysticercus cellulosae, unless the infestation is slight, in which case the carcass may be rejected and rendered into lard.

(21) Tuberculosis—For the purposes of these regulations inspectors shall be guided by the following principles:

- (a) Meat shall not be used for food if it contains tubercle bacilli or if the disease has reached the stage where the flesh cannot be considered as wholesome.
- (b) Meat shall not be destroyed if the animal is well nourished, unless there is evidence or reasonable grounds for suspicion that the flesh is unwholesome;
- (c) Any carcass affected with tuberculosis, in which the disease is associated with emaciation, or is extensive, shall be condemned;
- (d) When the lesions are collectively small in extent, and are either calcified or encysted, and confined to the head, or to the head and the abdominal and thoracic viscera, their coverings and lymphatic glands, the affected parts shall be removed and condemned (except the head which shall be removed and disposed of as provided in paragraph (e) hereof). The remainder of the carcass if well nourished and otherwise healthy, may be passed for food. When the lesions are small but are in a state of caseation the carcass may be rejected after the diseased portions have been removed and condemned;
- (e) Heads showing lesions of tuberculosis shall be condemned, with the exception of those from approved or rejected carcasses wherein the lesions are relatively unimportant to the head itself, are slight and either calcified or encapsulated, and are confined to not more than two lymph glands of the cervical group. Such heads may be rejected after removal and condemnation of the diseased tissues;
- (f) Abdominal viscera showing lesions of tuberculosis shall be condemned, with the exception of those from approved or rejected hog carcasses wherein the lesions in the mesenteric lymphatic glands are slight and either calcified or encapsulated and are confined to not more than three foci. Such viscera may be rejected after removal and condemnation of the diseased glands;
- (g) Any organ shall be condemned when it contains lesions of tuberculosis or when the corresponding lymph gland is tuberculous. In the case of rejected heads, the tongue and other edible parts may be rejected after removal of glands and adjacent tissues.

(22) Actinomycosis and actinobacillosis—The entire carcass affected with either of these diseases shall be condemned, except when the disease is confined to the seat of primary infection, or is otherwise definitely localized, and the carcass is well nourished and otherwise healthy. Should the head

Meat and Canned Foods Act—continued

be affected, the whole head including the tongue must be condemned unless the affection is slight, localized and without suppuration, when the head and tongue may be rejected after the removal and condemnation of the lesions and surrounding tissues. Any other organ in which the disease may be localized, shall be condemned.

(23) All rejected carcasses and portions shall, after the removal of all lesions and adjacent tissues, be HELD until rendered into lard or tallow or thoroughly cooked and placed in hermetically or other approved sealed containers and marked as provided in section 7 hereof.

(24) Carcasses extensively affected with and portions showing abscesses, bruises, tumours and parasitic infestation shall be condemned.

(25) No product of a kind customarily prepared to be eaten without cooking shall contain any muscle tissue of pork unless the pork shall have been subjected to a temperature sufficient to destroy all live *Trichinae*, or to such other effective treatment as may be prescribed by the Veterinary Director General.

(26) Veterinary Inspectors are authorized to deal as their judgment may direct with abnormal conditions not herein described.

Drugs, Dyes, Preservatives and Stabilizers

3. (1) The following preservatives may be used in the manufacture and cure of meats and meat food products:

Common salt

Sugar

Dextrose

Glucose

Saltpetre

Wood smoke

Vinegar

Spices

Alcohol

Refined sodium nitrate

Refined sodium nitrite (not to exceed 200 parts per million in the finished product)

(2) Benzoate of soda shall not be used in or on meats or meat food products except in mincemeat and in approved solutions in which animal casings are packed and then only to the extent of one-tenth of one (0.1) per cent.

(3) No dye or colour shall be used in or upon any meat or meat food products.

(4) Samples shall be taken from all stocks of preservatives, spices or other ingredients to be used in the manufacture or preparation of all meat or meat food products and forwarded to the Dominion Agricultural Chemist, Science Service Building, Ottawa, for analysis and approval before use. Approval shall apply only to the stock from which the samples were taken.

Meat and Canned Foods Act—continued

(5) The following stabilizers may be added to lard or shortening as provided by the regulations under the Food and Drugs Act:

Gum guaiacum
Vegetable oil containing tocopherols
Lecithin
Citric acid, tartaric acid, ascorbic acid
Propyl gallate

Such stabilizers, singly or in combination, shall not exceed two-tenths of one (0·2) per cent by weight of the finished product, except propyl gallate which shall not exceed one hundredth of one (0·01) per cent by weight of the finished product.

Duties of Inspectors and Methods of Inspection

4. (1) Every inspector shall when on duty wear a numbered badge, provided by the Department, and shall be entitled at any time to enter any part of the establishment to which he is assigned or any other place to which he may be sent in the performance of his duties.

(2) Inspectors in Charge shall be responsible for the continuous supervision of operations in an establishment including normal temporary periods of cessation.

(3) Inspectors in Charge of establishments shall furnish such reports as may be required by the Veterinary Director General.

(4) Inspectors in Charge of any establishment shall recommend to the management any desirable improvement in sanitary conditions and shall report regularly to the Veterinary Director General as to the general observance of sanitary requirements.

(5) Inspectors shall have custody of and be responsible for all labels, stamps, cans, receptacles and containers having the Inspection Legend printed, stencilled or otherwise placed thereon in a permanent manner.

(6) Inspectors shall, when deemed advisable, procure samples of any product before, during or after preparation, or of any ingredient used in the preparation thereof. Every such sample shall be sealed, labelled and marked with a description of the same, the inspector's name, the date and the establishment number, and shall be submitted immediately to the Department for analysis. Should analysis show the sample to be unfit for use the entire stock of preservatives, etc., and the foods in which they have been used shall be seized and disposed of in accordance with these regulations.

(7) Inspectors shall examine carefully all foods, whether meats or other products, stored in coolers or freezers of establishments, and furnish the Veterinary Director General every six months with a report as to whether or not there are in storage any foods which have been in storage for more than one year.

(8) (a) Veterinary Inspectors shall examine every animal intended for slaughter prior to its entry to the killing floor. Animals found to be diseased or suspected of being diseased shall be tagged in the left ear with a metal tag bearing the word "Held" and shall be killed separately at the end of the regular kill. Animals known as "cripples" or "downers" shall be tagged "Held" and slaughtered at the regular kill or otherwise as the Inspector in Charge may direct.

Meat and Canned Foods Act—continued

(b) The Inspector in Charge shall immediately notify the Veterinary Director General of the presence at any establishment of any animal affected with or showing symptoms of any contagious or infectious disease, and shall ascertain the address of the farmer-owner and the point whence the animal was shipped and shall take such action as may be required by the Animal Contagious Diseases Act.

(c) Veterinary Inspectors shall not permit slaughter of animals in an advanced stage of pregnancy. Such animals shall be tagged "Held" and shall not be slaughtered until at least ten days after parturition, but may be removed for stock or dairy purposes under written permission of the Inspector in Charge and after removal of the "Held" tag if they have not been exposed to contagious or infectious disease.

(9) Veterinary Inspectors shall make a thorough examination at the time of slaughter of all carcasses and portions thereof. If the examination reveals no grounds for detaining or condemning any carcass or portion thereof, inspectors shall pass and mark the same as required by subsection (29) of this section.

(10) Any inspector who may require any carcass, portion or product thereof to be detained for further examination or action shall attach firmly thereto a white paper tag numbered and bearing thereon the word "Held" and shall have such carcass, portion or product immediately placed in the "Detention" room or space. When the inspector who makes the first examination does not make the final examination, he shall furnish the inspector responsible for the final examination with a description of the carcass, portion or product thereof, the reason for which it is held, and the number of its "Held" tag. If on final examination the carcass, portion or product be found fit for food, the inspector shall remove the tag and permit such carcass, portion or product thereof to be marked with the Inspection Legend. If, however, any carcass, portion or product thereof be at any time found unfit for food, the inspector shall firmly attach thereto a black paper tag numbered and bearing thereon the word "Condemned". Such carcass, portion or product thereof shall be immediately tanked or placed in the "Condemned" room or space for final disposition. Inspectors in Charge shall be responsible for all locks and keys for "Detention" and "Condemned" rooms, compartments or spaces.

(11) Carcasses showing diseased or injured portions which cannot be readily removed at the time of slaughter shall be "Held" until chilled to be dealt with as the inspector may decide, after condemnation or rejection of the affected portion.

(12) An inspector shall attach a numbered red paper tag bearing thereon the word "Rejected" to any carcass, portion or product thereof which has been found on inspection or reinspection to be unfit for food unless sterilized. Any carcass or portion marked "Rejected" may, after removal of all diseased and adjacent tissue, be rendered into lard or tallow, or sterilized before use as a food product.

(13) An inspector shall place a numbered metal tag bearing the word "Condemned" in the right ear of any animal found dead or in a dying condition on the premises of any establishment. Such tag shall be removed only by the inspector supervising the final disposition of the carcass.

(14) Inspectors shall supervise the tanking or other disposition of all inedible portions and products as well as condemned carcasses, portions and products, and shall seal all tanks in which condemned material has

Meat and Canned Foods Act—continued

been placed. Seals of any such tanks shall be broken only when an inspector is satisfied that the process of tanking has rendered impossible the use of the contents for food.

(15) Inspectors may use in connection with tanking operations or for disposition of condemned carcasses, portions or products thereof any colouring or denaturing agent, approved by the Veterinary Director General. Pending installation of tanking facilities and for a stated period approved by the Veterinary Director General, inspectors shall slash any condemned carcass or portion to render it unsaleable, and shall supervise the burning or burial of all carcasses, portions or products thereof so condemned.

(16) Inspectors in Charge may reserve for official, scientific or educational purposes any carcass, portion or product thereof which has been condemned, rejected or detained on account of disease or other abnormal condition, and shall report thereon immediately to the Veterinary Director General.

(17) Inspectors shall condemn any carcass, portion or product thereof contaminated by contact with tuberculous lesions or the contents thereof.

(18) The Inspector in Charge of any establishment may refuse inspection and forbid removal from such establishment of any carcass, portion or product thereof which has been slaughtered, prepared or processed under conditions which violate any of these regulations and such action shall be reported immediately to the Veterinary Director General.

(19) Inspectors may seize and detain any carcass, portion or product thereof which they have reason to believe has been dealt with in violation of these regulations and shall place thereon a numbered "Held" tag.

(20) Inspectors shall seize and detain any carcass, portion or product thereof that has been shipped or transported by a farmer or other person in respect to which they have reason to believe that the requirements of these regulations have not been observed. Carcasses, portions or products thereof so detained shall be marked by the inspector with a numbered "Held" tag and shall not be moved without the authority of an inspector.

(21) A "Held" tag shall be used whenever it may be deemed necessary by an inspector, elsewhere than in an establishment under inspection, to seize or detain or to control or direct the movement of any carcass, portion or product thereof. The "Held" tag shall be of the variety known as "general 'held' tag one section" having at the end opposite the eyelet, a perforated detachable portion bearing a serial number corresponding to that on the main portion of the tag. When the "Held" tag is affixed to the carcass, portion or product thereof, the inspector shall retain the detachable numbered portion and shall at the same time issue to the owner of the carcass, portion or product thereof or to his representative or agent or to the person then in charge of that to which the "Held" tag has been affixed, the official Form of Detention (Form PHA 34). One copy of this form bearing the signature of the recipient of the original form shall be forwarded to the Veterinary Director General together with any necessary report of the inspector's action.

(22) Inspectors shall after inspection and approval permit entry into any establishment of

- (a) any carcass, portion or product thereof which bears the Inspection Legend;

- (b) any carcass, portion or product thereof shipped from a foreign country, if identified and accompanied by a Certificate of Government Inspection in the country of origin as required by these regulations;
- (c) dressed carcasses, except rabbits, having the head, heart, lungs and liver naturally attached;
- (d) unmarked carcasses or portions shipped from another establishment under subsection (29) of this section;
- (e) carcasses of lambs or sheep of any age or of calves not more than three months old having heart, lungs and liver naturally attached;

Carcasses, portions or products thereof not specifically indicated in this subsection shall be admitted to an establishment only after permission has been granted by the Inspector in Charge.

(23) Carcasses, portions or products thereof shall be admitted to establishments only through such entrances as are designated by the Inspector in Charge for that purpose and under such conditions as he may approve.

(24) Inspectors shall admit to an establishment for processing undrawn poultry with the head, legs and feet attached. Drawn poultry must be accompanied by the appropriate certificate.

(25) (a) Fats, scraps, small portions and unmarked cuts may be admitted into establishments provided that they are covered by a certificate in duplicate, signed on behalf of the management of the establishment, stating that such meats have previously undergone inspection under the provisions of the Act. One copy of the certificate shall be attached to the daily reports and forwarded to the Veterinary Director General.

The following form of certificate shall be used:—

(Street and number)

.....
(Name of firm)

(Name of firm)

..... (P1_{∞∞∞})

(Place)

(Dette)

(Date)

To the Inspector in Charge of Establishment No. I hereby certify that the meats below described are from carcasses which have passed inspection under the provisions of the Meat and Canned Foods Act and regulations thereunder, that they have been handled in a proper and sanitary manner and that no meats or meat food products, except poultry, other than those which have passed the said inspection, are brought into the premises known as

.....

.....
(Street and number of shop)

Meat and Canned Foods Act—continued

from which the meats herein described have been brought. No. of receptacles

Description

Weight

.....
(Name of Establishment)

Per”

(b) Upon the production of a certificate in the above form, the Inspector in Charge may allow the entrance of the articles mentioned to the establishment where they shall be carefully and rigidly reinspected and dealt with as the inspector shall direct. Under no consideration shall meats enter the establishment unless the inspector has been notified and the required certificate produced. The Department may cancel this permission in respect of any establishment at any time.

(26) Inspectors may at any time reinspect any carcass, portion or product thereof in an establishment. If upon such reinspection any carcass, portion or product thereof is found to be unfit for food, it shall be dealt with and disposed of as provided in these regulations.

(27) Inspectors may inspect any carcass, portion or product thereof upon entry into Canada, and shall dispose of any condemned carcass, portion or product thereof as the Minister may direct.

(28) (a) Unmarked mincemeat may be permitted entry into an establishment provided that it is accompanied by a certificate, in duplicate, signed by the manufacturer, establishing that the meats or suet used in its manufacture were purchased from Canadian Inspected Establishments and that they have been inspected and marked as required by the Act and these regulations. One copy of the certificate shall be attached to the daily reports covering the date upon which the shipment was received into the establishment.

The following form of certificate shall be used:—

“.....
(Name of manufacturer)

.....
(Place)

.....
(Date)

To the Inspector in Charge of Establishment No. I hereby certify that the meats or suet used in the manufacture of the mincemeat described herein were purchased from Canadian Inspected Establishments

.....
(Name of establishment)

and that they have been inspected and marked as required by the Meat and Canned Foods Act and regulations thereunder and that they have been handled in a proper and sanitary manner.

.....
(Number of receptacles)

Description

Weight

.....
(Signature of Manufacturer)”

Meat and Canned Foods Act—continued

This certificate shall be handed to the Inspector in Charge or his Assistant at the time that such mincemeat is presented for entry.

(b) Should unmarked shipments of mincemeat be received in bulk and be repacked in the plant, they shall not be marked with the Inspection Legend. The only mincemeat which may be marked with the Inspection Legend is that actually manufactured within a plant under the constant supervision of an inspector.

(29) Inspectors shall mark with the Inspection Legend or in accordance with section 7 hereof, every carcass, portion or product thereof found to be fit for food except those to be shipped direct to an establishment for further processing or cure. Every such unmarked shipment shall be accompanied by a certificate from the Inspector in Charge of the establishment of origin. The certificate shall be in triplicate and shall set forth fully the number and kind of carcasses, the portions or products thereof which it purports to cover and the name of the consignee. When transportation between establishments is provided by one of the establishments concerned, the duplicate certificate shall be forwarded to the Veterinary Director General by the Inspector in Charge of the establishment of origin, who shall retain and file the original certificate. When transportation is by common carrier, the original and duplicate certificates shall be handed to the carrier who shall forward the duplicate to the Veterinary Director General. The triplicate shall in all cases be sent by the Inspector in Charge of the establishment of origin to the Inspector in Charge of the establishment receiving the shipment. When shipment is by railway, the certificate shall specify the car number and initials and the number of the Government seal. All railway cars, vehicles or containers used in the conveyance of unmarked carcasses, portions or products thereof shall be sealed by an inspector in the establishment of origin with self-locking car seals or other seals provided by the Department as may be appropriate and such seals shall be broken only by an inspector. When portions or products cannot be individually marked, a marking as required in section 7 shall be placed upon the case, package, container or covering which wholly or partially conceals the contents thereof.

(30) Unmarked beans with pork may be permitted entry into an establishment under the same conditions as mincemeat, provided that the product is covered by a certificate in duplicate as follows:—

.....
(Name of manufacturer)

.....
(Place)

.....
(Date)

To the Inspector in Charge of Establishment No. I hereby certify that the pork used in the following described shipment of beans with pork (pork and beans) was purchased from a Canadian Inspected Establishment
(Name of establishment)

Meat and Canned Foods Act—continued

and that it was inspected and marked as required by the Meat and Canned Foods Act and regulations thereunder and that the product, namely, beans with pork (pork and beans) has been handled in a proper and sanitary manner.

Number of packages

Description

.....
(Signature of Manufacturer)

This certificate shall be handed to the Inspector in Charge or his Assistant at the time that such beans with pork (pork and beans) are presented for entry.

(31) Except as herein otherwise provided, inspectors shall, on the written request of an establishment, issue an "Export Certificate" to accompany each shipment of edible carcasses, portions or products thereof, which have been inspected and marked in accordance with these regulations and are intended for export from Canada. Such certificate shall set forth the number of carcasses, portions or packages, weight, description, shipping marks, name of shipper, name of consignee, and destination. These certificates shall be issued in serial numbers and in quintuplicate. The five copies shall be given to the shipper who shall hand three of them to the transportation company. The original shall be attached to the Customs Export Entry (Form B. 13) and mailed direct to the customs agent of the transportation company at the port of export from Canada, and by such agent handed to the proper Customs official at such port of export from Canada. The duplicate shall be kept on file by the transportation company accepting the shipment; the triplicate shall be forwarded by the transportation company to the Veterinary Director General; the quadruplicate shall accompany the shipment and the quintuplicate shall be retained by the shipper or forwarded by him direct to the consignee.

(32) Inspectors shall inspect and if necessary require the thorough cleansing and disinfection of all railway cars, vehicles and storage space on ships to be used for the transportation of carcasses, portions or products thereof, and shall see that equipment for the proper care, carriage and refrigeration thereof is provided.

(33) (a) Inspectors shall permit the exportation under export certificate of chitterlings, spleens, beef udders, and lungs of ruminants, from approved carcasses and bearing the Inspection Legend; provided that the packages or containers of these organs or portions are marked, immediately following the descriptive name, with the words "For Export" in the same size and style of type.

(b) Inspectors shall impose whatever restrictions are necessary to prevent the use in an establishment of any portions not customarily used in Canada for food.

(c) Inspectors may permit the shipment from an establishment of ovaries, pituitary glands or other portions from approved carcasses intended for medicinal or manufacturing purposes; provided that the package or containers of these portions are distinctly marked with the name of the portion and with the words "for medicinal purposes" or "for manufacturing purposes" or words of similar and applicable import.

(34) The use of paper in direct contact with trimmings, organs and cuts frozen in blocks is prohibited, unless the paper is of a kind which does not disintegrate from exposure to the moisture from products but

Meat and Canned Foods Act—continued

remains intact so that it can be readily and completely removed from the products when defrosted. Paper that may impart to products any chemical or other objectionable substances used in its manufacture shall not be used.

(35) (a) All carcasses that have passed inspection shall have placed thereon impressions of the Inspection Legend on each quarter. If the carcasses are cut in the establishment, there shall be one stamp on each primal cut.

(b) Lambs intended for foreign export may be marked with the small stamp and two marks placed on each carcass, one at the back of the neck and the other in the centre of the loin.

(c) Lambs intended for the home market shall show thereon four impressions of the Inspection Legend, one on each quarter.

(36) Ingredients found on analysis to contain dextrin, casein, pectin or gum shall not be used in the manufacture of meat food products or meat food by-products. The casein herein specified is the manufactured product; not casein occurring as a natural constituent in milk.

(37) Parotid salivary glands shall be removed from cheek meat destined for use in an establishment. These glands may remain on meat intended for export if thoroughly washed.

(38) Hearts shall be opened or inverted and washed before being placed in coolers or processed for any purpose, or permitted to leave the plant.

(39) Hypertrophied skin shall be removed from the carcasses of swine before the carcasses are marked or shipped from the establishment.

(40) To facilitate inspection lamb heads and sheep heads intended for edible purposes shall be split. The turbinated bones, ethmoid bones, eyes and ear drums shall be removed.

(41) The larynx, epiglottis and tonsils shall be removed from all tongues intended for use in Canada. Tongues for export may be trimmed as desired by the importing country. Mucous membrane shall be removed from tongues before these are packed in cans, jars, glass or other hermetically sealed containers except in the case of pork tongues for export from Canada. Mucous membrane need not be removed from fresh, smoked, pickled or frozen tongues, when shipped in bulk.

(42) Mucous membrane shall not be an ingredient of prepared meats or prepared meat by-products.

(43) Kidneys shall be freely sectioned and thoroughly soaked and washed before being used in the manufacture of a meat by-product. They shall not be placed in the lard tank.

(44) Crowns shall be removed from all hog bungs used for sausage casings.

(45) Bladders from approved carcasses to be used as food containers shall first be emptied and flushed with water; inverted and placed in brine for at least forty-eight hours and then rinsed before being filled.

(46) The sliming of casings shall be completed within twenty-four hours after removal from the carcass.

(47) Heads and feet to be used in the manufacture of lard shall be thoroughly cleaned before being placed in the lard tank and shall be completely free of hair or scurf. Hoofs shall be removed. Heads shall

Meat and Canned Foods Act—continued

be split and brains, eyes, eardrums, teeth and turbinated and ethmoid bones shall be removed. Gullets, trachea and bronchi shall not be used in the manufacture of lard or edible tallow unless they have first been split, washed and cleaned to the satisfaction of an inspector.

Horses and Horse Meat

5. (1) Any premises upon which horses are slaughtered and upon which their carcasses, portions or products thereof are prepared for food for export or stored for export shall be an establishment within the meaning of the Act and these regulations.

(2) The slaughter of horses and the preparation and handling of the meat and meat food products thereof shall be conducted only in establishments separate and apart from any establishment in which cattle, sheep, swine, goats, game or poultry are slaughtered, or in which the meat or meat food products thereof are prepared or handled.

(3) All horses found upon either ante-mortem or post-mortem inspection or examination to be affected with strangles, purpura hemorrhagica, azoturia, forage poisoning, cerebro-spinal meningitis, dourine, acute influenza, generalized osteoporosis, glanders, farcy or other infectious or contagious diseases, acute inflammatory lameness or extensive fistula, shall be condemned.

(4) Any horse which is suspected on ante-mortem inspection of being infected with glanders shall be tested with mallein, and any horse which is suspected of being affected with dourine shall be held for further examination or for such test as the Veterinary Director General may prescribe.

(5) All horse meat and meat food products thereof shall be conspicuously labelled, marked or tagged "Horse Meat" or "Horse Meat Product."

(6) Special labels, certificates and export stamps as approved by the Veterinary Director General shall be used in connection with all shipments of horse meat.

(7) All regulations governing the inspection of meat and meat food products shall, when applicable, apply to horses, horse meat and horse meat food products.

Imports

6. (1) No carcass, portion or product thereof other than game, reindeer or undrawn dressed poultry shall be admitted into Canada from any foreign country unless the standards of meat inspection in the country of origin are satisfactory to the Minister and the shipment is accompanied by an approved certificate from the country of origin or a certificate as prescribed in the Schedule hereto. Provided, however, that for the purposes of this section the term "game" does not include rabbits.

(2) Collectors of Customs shall refuse entry into Canada of any carcass, portion or product thereof unless the same is accompanied by a certificate as prescribed in the Schedule hereto. (Forms F, G, H, J, K, L and M as the case may be.)

(3) Certificates covering carcasses, portions or products thereof imported into Canada and intended for entry into an establishment shall be in duplicate, one copy of which shall accompany the shipment for the information of the Inspector in Charge.

Meat and Canned Foods Act—continued

(4) Dry concentrated soup mixtures may enter Canada from the United States without a certificate as prescribed by subsection (1) provided that the meat content of such food products be not in excess of ten per cent of the net weight of the dry finished product and that every shipment offered for entry into Canada from the United States be accompanied by a written statement, signed by a member of the manufacturing firm, to the effect that the meat ingredients of the product were obtained from an establishment under Federal Inspection in the United States of America.

(5) Carcasses, portions or products thereof which have been exported from Canada shall not be imported as Canadian products except under written permission from the Veterinary Director General in each case.

(6) Carcasses, portions or products thereof, being imported into Canada, shall be refused entry if the cars, ships, trucks or vehicles and appliances used in their transportation are not in a sanitary condition.

(7) Carcasses or portions from which the peritoneum, pleura, or body lymph glands or the portal glands of the liver, have been removed, shall not be imported into Canada.

(8) Importers of carcasses, portions or products thereof shall, when required by an inspector or other duly authorized person, furnish full and accurate information respecting any such importation.

(9) Inspectors shall at all times have the right to take without cost a sample or samples of any carcasses, portions or products for analysis. They shall, however, immediately report every such action to the Veterinary Director General.

(10) Collectors of Customs shall report to the Veterinary Director General, Department of Agriculture, Ottawa, or to the nearest inspector under the Act, any matter which they may consider to be a violation of the Act or these regulations governing the importation into Canada of carcasses, portions or products thereof.

Labels, Markings and Containers

7. Labels on and markings of meats and meat food products prepared in establishments shall comply with the following requirements:

(1) All carcasses, portions or products of carcasses, prepared for food and packed in cans or similar receptacles, or in any package, shall be subject to inspection during the whole course of preparation and packing; and all such cans or receptacles shall, unless otherwise ordered by the Governor in Council, be marked with:

- (a) The name and address, or in the case of a firm or corporation, the firm or corporate name and address, of the packer or of the first dealer, who shall upon request of an inspector disclose the name of the packer;
- (b) a true and correct description of the contents of the package;
- (c) the net weight of the contents or, when applicable, the volume in fluid ounces; and
- (d) the Inspection Legend.

(2) The above requirements shall be placed on the main panel of the label or in a position satisfactory to the Veterinary Director General and shall be embodied in a label of a size reasonably proportionate to the size of the package. The address may consist of the local or head office address of the packer.

Meat and Canned Foods Act—continued

(3) The size of the Inspection Legend and of all letters or figures in it shall be reasonably proportionate to the general lettering of the label.

(4) All carcasses, portions or meat food products intended for export to the United Kingdom or package containing the same shall be marked with the "British Export Label" in tag or label form as approved in Circulars Nos. 1675 and 1707 of the Ministry of Health of the United Kingdom, dated March 24, 1938, and June 10, 1938, respectively.

(5) Packers shall forward four copies of every label to the Veterinary Director General for approval before use and, if required, shall also furnish a statement showing the ingredients and method of manufacture of the product on which such label is to be placed. This requirement applies also to reprints.

(6) The Inspection Legend is a Government mark and indicates that the carcass, portion or product thereof so marked was at the time of marking, sound, healthy and fit for food and that the products were manufactured under sanitary conditions.

(7) (a) The Inspection Legend shall consist of the words "Canada Approved" between two concentric circles in the centre of which is an imprint of the Crown which shall be a facsimile of the authorized pattern. To the left of the Crown is the abbreviation "EST" and to the right is a space for the establishment number in the form shown below:



The inner circle may be omitted from the imprint effected by means of a metal stamp.

The abbreviation "EST" and the establishment number may be omitted from the Inspection Legend appearing on labelling lithographed directly on hermetically sealed metal containers for approved meats and meat food products prepared and packed in an establishment under inspection, and embossed instead on such containers in a position satisfactory to the Veterinary Director General providing such markings are separate and distinct from code numbers or other marks and are not obscured in any way.

(b) The words "Canada Approved" and the Crown with or without any establishment number, are hereby declared to be a Government mark.

(c) No carcass, portion or product thereof, no package or container, nor any article whatsoever bearing the Inspection Legend, may be disposed of except as provided in these Regulations or with the authority of the Department.

(d) The managements of establishments will be held responsible for the due protection of all meats or meat food products marked with the Inspection Legend.

Meat and Canned Foods Act—continued

(8) The Inspection Legend shall not be altered in any way. It shall be separate and shall not form an integral part of any special pattern or design shown on the label. When used on a label it shall be clear and distinct and in keeping with the size of the label. It shall not be printed on wood and shall not be shown more than once upon any package.

(9) The Inspection Legend or the words "Canada Approved" or any word or words of like meaning or import shall be applied to any carcass, portion or product thereof, or on any package containing the same only by an inspector or other authorized person.

(10) The Inspection Legend shall refer only to the original contents of the package so marked. If such package is to be used again for meat or meat food products, the Inspection Legend shall first be destroyed.

(11) The Inspection Legend shall not be used for advertising purposes without the approval of the Veterinary Director General.

(12) The Inspection Legend shall not be used on any inedible product.

(13) Containers for inedible products shall be marked on both ends with the words "Inedible—Unfit for Food" or with other words of similar import indicating the use for which the product is intended, in type not less than two inches in height. Small packages need be so marked on one end only in type proportionate to the other marking on the package. One end of the package shall also show the packer's name and address, description and net weight of contents. Tank cars used for the transportation of inedible products shall bear the words "Inedible, Unfit for Food" in letters not less than six inches in height.

(14) Labels bearing the Inspection Legend as authorized and issued by the Department are of two sizes. Of these, the smaller is to be used for domestic shipments and the larger for shipments out of Canada, except that for shipments to the United Kingdom the "British Export Label" in tag or label form shall be used.

(15) When it is impossible permanently to attach a label bearing the Inspection Legend, it may be shown upon a shipping tag attached to the package. Such tags shall bear the name and address of the packer or first dealer, a correct description of the contents, and the net weight if required, in addition to the Inspection Legend and penalty clause as printed on the small paper label furnished by the Department, reading : "When contents of this package are removed this stamp must be forthwith destroyed. One hundred dollars fine for illegal use of this stamp," together with the words "Dominion of Canada, Department of Agriculture." The Inspection Legend with the penalty clause may be printed on the reverse side of the tag but the Inspection Legend shall not be separated from the penalty clause.

(16) Labels or tags on meats or meat food products intended for shipment out of Canada may, with the exception of the Inspection Legend, be printed in the language of the importing country.

(17) Labels or tags on meats or meat food products imported into or prepared for consumption in Canada shall bear the English translation of any language other than French.

(18) No word, picture or design which conveys a false or misleading impression as to the contents, quantity, weight, method or date of manufacture or place of origin of the contents shall be used on any label.

Meat and Canned Foods Act—continued

(19) Registered trade names, marks or brands used on any package shall be so identified.

(20) Pork shoulders shall be so designated.

(21) (a) The word "tenderloin" shall be used with a word indicating origin, e.g., "beef tenderloin," "pork tenderloin."

(b) the word "brains" shall be used with a word indicating origin, e.g. "pork brains," "calves brains."

(c) the word "sweetbread" alone shall signify a calf's sweetbread.

(22) "Head cheese" shall contain not less than fifty per cent of head meat.

(23) Products containing more than one kind of meat, with the exception of those covered by a recognized trade name, shall be so described as to indicate their exact nature and the different ingredients shall be named in the order of the proportion in which they occur, thus "Ham, Tongue and Veal Paté" shall contain more ham than tongue, and more tongue than veal.

(24) When the wording on any label indicates flavour, it shall be that of the meat which has been used in the largest quantity.

(25) The label of any loaf or mixture containing meat products, other than meat loaf, shall indicate the ingredients in the order of the proportion in which they occur in type of uniform size preceding the word "loaf" or other descriptive name.

(26) The label on any paste or spread shall indicate the ingredients. The generic terms "spices" and "edible oils" are permitted.

(27) The label on edible oils shall indicate the source from which they are obtained, whether domestic or imported. This declaration shall be shown in plain type on the main panel of the main label together with the net weight or liquid measure of the contents and the name of the packer or first dealer.

(28) Hermetically sealed containers of foods prepared from rejected carcasses or portions shall bear on the label the words "This product was approved only after it was thoroughly cooked under official supervision."

(29) Hermetically sealed containers of meats or meat food products shall, unless labelled immediately as filled, be so marked as to indicate the nature of the contents. If a code-marking be used the Inspector in Charge shall be supplied with a copy of the code.

(30) When commercial gelatin or any other gelling agent defined and permitted by the regulations under the Food and Drugs Act is added to or used upon meats or meat food products, the applicable declaration shall appear on the label, e.g. "Gelatin Added," "Gelling Agent Added," "Gelatin Dipped," etc.

(31) Each ham or piece of bacon exported to the United States shall be stamped "Product of Canada."

(32) Except as provided in section 10, subsections (10) and (11), no edible carcasses, portions or products thereof, shall be exported out of Canada unless marked with the Inspection Legend.

Meat and Canned Foods Act—continued

(33) Labels of soup-cubes and bouillon-cubes shall contain a list of the ingredients used in the product. Four copies of printer's proofs of the labels shall be submitted to the Veterinary Director General for approval before use.

(34) The Inspection Legend shall in all cases be printed in English only.

(35) The following statement shall appear on the label of each can or container of pork and beans, mincemeat, soups or other products packed under Exemption Order: "The meat contained herein has been inspected and approved at an establishment where government inspection is maintained." Such labels shall not bear the Inspection Legend.

(36) The label or marking of every package of lard or shortening to which an approved stabilizer has been added shall display a statement in immediate conjunction with the name of the product naming the stabilizer: e.g. "Contains propyl gallate."

(37) The Minister may prescribe, amend or modify the markings to be placed on any package of meats or meat products intended for export to the United Kingdom.

(38) (a) The following canned food products shall be offered for sale in Canada only in containers of the sizes and dimensions specified hereunder, (over-all dimensions are expressed in the manner used in the industry, e.g. "211" means $2\frac{1}{16}$ inches).

METAL CONTAINERS			
Product	Size		Dimensions
Soups ready-to-serve	8	Fluid ozs.	211 x 304
	15	" "	{300 x 407
			{301 x 406
	28	" "	401 x 411
	105	" "	603 x 700
Spaghetti with Meat or Meat Sauce	5	" "	211 x 200
	8	" "	211 x 304
	10	" "	211 x 400
	15	" "	{300 x 407
			{301 x 406
	20	" "	307 x 409
	28	" "	401 x 411
	105	" "	603 x 700
Pork and Beans, Wieners and Beans, Chili Con Carne and Beans, other meats with Beans	5	" "	211 x 200
	8	" "	211 x 304
	10	" "	211 x 400
			{300 x 407
	15	" "	{301 x 406
			{401 x 212
	20	" "	307 x 409
	28	" "	401 x 411
	105	" "	603 x 700

(b) Glass or other types of containers shall correspond to the same fluid ounce size for the products listed.

(c) Other containers of dimensions specified on applications for approval of labels therefor, may, on approval by the Minister, be used in an establishment.

Packers and Establishments

8. (1) These regulations, so far as they affect establishments, shall not apply to any abattoir, packing or slaughter-house other than those in which animals are slaughtered for export or in which carcasses, portions or products thereof are prepared or stored for export.

Meat and Canned Foods Act—continued

- (2) (a) The Minister shall assign a number to each establishment.
- (b) When establishments have one or more branches the Minister shall assign to each branch the same number with addition of a serial letter.
- (3) The Minister shall assign an inspector to each establishment together with such assistants as may be deemed necessary.
- (4) Every animal slaughtered and every carcass, portion or product thereof prepared for any purpose in an establishment shall be subject to inspection during the whole course of preparation and packing and shall be dealt with as required in these regulations or as directed by the Minister.
- (5) (a) Abattoirs, packing or slaughter-houses shall conform to the requirements of these regulations with regard to construction, sanitation, equipment and volume of business before inspection is provided therein.
- (b) Blue-prints shall be furnished in triplicate showing the plan of buildings, equipment, yards, drainage and such other details as may be deemed necessary when application is made for inspection or when alterations or additions are planned and at any other time required by the Department.
- (6) (a) Packers shall furnish suitable accommodation for inspectors including the exclusive use of a room or rooms suitable for office purposes together with such office and wash-room fittings, as may be required for the proper conduct of the business of the Department or the accommodation of the inspectors assigned to the establishment.
- (b) The Inspector in Charge shall be kept fully informed by the management of all details regarding the actual operation of the establishment, and no operations shall be carried on without the knowledge and supervision of the Inspector in Charge or of an inspector detailed by him for that purpose.
- (c) Reasonable arrangements regarding hours of work and other details of operation shall be made for the mutual convenience of the management and the inspectors. The management shall give sufficient notice to the Inspector in Charge concerning the arrival of animals and time of slaughter in order that he may make arrangements for inspection.
- (7) Yards or pens on the premises of an establishment shall not be used for the fattening of animals nor shall offal or other refuse be utilized for feeding purposes.
- (8) Packers shall notify the Inspector in Charge not later than 4 p.m. of the time at which killing or other operations will commence on the following day. In cases of emergency special arrangements shall be made with the Inspector in Charge.
- (9) Establishments in which operations may become necessary between midnight on Saturday and midnight on Sunday shall apply to the Veterinary Director General for inspection service which may be provided if permission has been obtained from the local authority.
- (10) (a) Packers shall pay for inspection service provided during over-time operation on the basis of \$2.75 an hour for each veterinary inspector necessarily so engaged and \$2.00 an hour for each inspector then employed in a lay capacity.

Meat and Canned Foods Act—continued

- (b) "Overtime inspection" means inspection service exceeding that provided during nine hours of operation between the regular time of commencing operations in any establishment and 6 p.m. Monday to Friday inclusive, and exceeding that provided during five hours of operation between the regular time of commencing operations in any establishment and 1 p.m. on Saturday, except that lay supervision of operations not requiring veterinary supervision may be provided without charge between 12.01 a.m. and 7 a.m. on Monday and between 6 p.m. and 7 a.m. on Monday to Saturday inclusive, and between 1 p.m. and 12 midnight on Saturday when operations during all or any of these periods form part of the regular working schedule of the establishment, and when the working-hours of an inspector so employed can be comprised within a regular daily shift not exceeding nine hours Monday to Friday inclusive and five hours on Saturday.
- (c) Application for overtime inspection shall be in writing and shall be submitted to the Inspector in Charge not later than 4 p.m. on the day for which such overtime inspection is desired and, on Saturday, not later than 10 a.m.
- (d) When an establishment is operated at night for a period of not less than one month during at least five nights each week for eight hours or more nightly in addition to full regular daytime operation, night inspection service shall be provided on the same basis as for regular daytime operation.
- (e) Where any Provincial Statute requires a working day of less than nine hours, Monday to Friday inclusive, or of less than five hours prior to 1 p.m. on Saturday the schedule of inspection services provided in the Province shall be adapted to comply with the Provincial Statute.
- (11) Packers shall pay for inspection service performed on the following legal holidays:
- New Year's Day
 - Good Friday
 - Easter Monday
 - Victoria Day
 - Dominion Day
 - Labour Day
 - Remembrance Day
 - Christmas Day
 - Thanksgiving Day (when proclaimed)
 - Queen's Birthday (when proclaimed)

(12) Artificial refrigeration operated by mechanical means of a type and capacity adequate to the needs of an establishment shall be regarded as essential equipment to be installed before inspection is granted.

(13) Packers shall upon request furnish to the Inspector in Charge accurate information regarding receipts of stock, shipments and products on hand. They shall also furnish to the Veterinary Director General such information regarding processes of manufacture and other matters of a like nature as may be deemed reasonable and necessary in the public interest.

Meat and Canned Foods Act—continued

(14) No animal which has entered the yards or pens of an establishment shall be removed without permission in writing from the Inspector in Charge. Establishments shall provide suitable facilities for separating healthy animals from those showing symptoms of or suspected of being affected with disease.

(15) Special rooms, compartments or spaces, to be known as the "Detention" or "Condemned" room, compartment or space, shall be provided in establishments for the accommodation of carcasses, portions or products thereof marked "Held" or "Condemned", respectively. Such rooms, compartments or spaces shall be well lighted and so constructed as to facilitate cleansing and disinfection. All doors thereto shall be fitted for locks supplied by the Department. Such locks and keys shall be in the custody of the Inspector in Charge.

(16) No carcass, portion or product thereof, shall be removed or so placed or treated by an employee of an establishment as to prevent its ready identification.

(17) Every establishment shall be equipped with facilities satisfactory to the Veterinary Director General for the tanking of all inedible portions and products as well as diseased carcasses, portions and products. Tanks for this purpose shall be placed and operated so that no odours or fumes shall pervade any room wherein carcasses, portions or products thereof are prepared or stored for food purposes, and these tanks shall be entirely separate and detached from any pipe or conduit connected with any pipe, tank or conduit in which edible products are prepared, conveyed or stored. No employee of an establishment shall seal or break the seal of any tank in use for tanking unless thereto authorized by an inspector.

(18) Packers shall in the manufacture of inedible grease effect the denaturing of the product by an agent authorized by the Veterinary Director General.

(19) (a) Black gut and organs or portions of the genital system shall not be used in establishments as ingredients of meat by-products.

(b) Inspected and approved spleens, cow udders, and lungs of cattle and sheep, may be used as ingredients only in prepared meat by-products approved and designated for export out of Canada to countries where such products are accepted as articles of food.

(20) Sausages, canned or prepared meats, meat by-products and portions intended for cure, shall be prepared only from carcasses or portions which have been marked with the Inspection Legend, or which have been admitted to an establishment in accordance with these regulations and which on re-inspection are found fit for food.

(21) Prepared meat products, prepared meat by-products or any article of food containing a meat product or meat by-product shall conform to the moisture, cereal or other requirements defined or prescribed by the regulations under the Food and Drugs Act. Milk powder, skimmed milk powder, buttermilk powder and whey powder may replace cereal in such products. If cereal and any preparation of milk be present in the same product they shall not together constitute more than the maximum for cereal prescribed thereunder as determined by the method employed by the Food and Drug Laboratory.

Meat and Canned Foods Act—continued

(22) No food shall contain any deleterious substance nor, except as permitted by these regulations, shall any drug or preservative be used in the preparation thereof.

(23) Upon request of the Inspector in Charge, packers shall furnish free samples of any food or of any ingredient used in the preparation thereof.

(24) Packers shall be responsible for all expenses incidental to the control and inspection of carcasses, portions or products thereof stored in any cold storage or warehouse outside the premises of the establishment.

(25) Packers shall affix all labels under the supervision of an inspector.

(26) Packers shall be responsible for the cost of brass stamps lost by employees.

(27) Containers or equipment made of lead, zinc, copper or brass which may come in contact with meat or meat food products shall not be used in any establishment.

(28) Separate equipment shall be used in the manufacture of pure lard and shortening, unless facilities are such as to preclude the possibility of pure lard becoming mixed with shortening.

(29) When carcasses, portions or products thereof are shipped from an establishment to a cold storage or warehouse whether pending export from Canada or domestic delivery, packers shall provide separate compartments for the storage of inspected carcasses, portions or products thereof exclusively, and shall maintain thermographs or recording thermometers in the room or compartment of any cold storage or warehouse in which their products are held.

(30) Packers shall not move any carcasses, portions or products thereof out of any cold storage or warehouse without the authority of the Veterinary Director General.

(31) Properly constructed floor and wall racks shall be provided, when necessary, for the protection of products.

Sanitation

9. (1) Every establishment shall be adequately lighted and ventilated. All equipment shall be of such material and construction as will facilitate thorough cleansing. All operations shall be conducted with strict cleanliness.

(2) All rooms in which carcasses, portions or products thereof are prepared or placed shall be scraped, scrubbed or painted as may be deemed necessary by the Inspector in Charge and all facilities necessary for cleansing shall be provided.

(3) All rooms shall be kept, as far as possible, free from steam and vapour. Chill rooms and refrigerating rooms shall be kept free from excessive moisture.

(4) No carcass, portion or product thereof, and no ingredient used in the production of food shall be exposed to contamination or deterioration. All implements, utensils, equipment and containers used in any way in the preparation of food products shall be cleansed before use to the satisfaction of an inspector.

Meat and Canned Foods Act—continued

(5) All parts of an establishment used for rendering or preparing inedible products shall be entirely separate from those used in rendering or preparing edible products. Except for conveyance of material from the “edible” to the “inedible” parts of the establishment and for pipes, or chutes incidental to water or heating purposes, there shall be no connection between those parts of the establishment used for the protection of edible and inedible products, and each part shall have a separate entrance.

(6) Copies of blueprints or plans showing all pipe lines, sumps, tanks, valves, pumps, covered or exposed, existing or proposed, shall be forwarded to the Veterinary Director General for approval.

(7) All yards or pens used in connection with an establishment shall be suitably constructed and equipped, and regularly cleaned.

(8) Dressing-room, lavatory and toilet accommodation shall be adequate, fully equipped and sanitary, with direct outside light and ventilation, or forced ventilation, and shall be entirely apart from any room or compartment used for the storage or production of food. Forced air ventilation without direct outside light may be accepted for lavatory and toilet rooms if considered necessary and satisfactory. Ample artificial light shall be provided for all such accommodation.

(9) No person suffering from tuberculosis or other communicable disease shall be engaged in handling or preparing foods, and any employee may be required to produce a medical certificate of health at any time if requested by the Inspector in Charge. Employees shall observe such general rules as to sanitation as may be deemed necessary by the Inspector in Charge.

(10) Coverings used by employees to protect their clothing or persons shall be of material easily cleaned.

(11) All outside doors and windows shall be screened and fly traps placed wherever required by the inspector. Accumulation of fly breeding material in or around the plant premises or yards of an establishment is prohibited.

(12) Catch basins shall not be placed in rooms in which edible products are prepared or handled.

(13) Blood prepared for use in food products shall not be defibrinated by the hands.

(14) Knife-scabbards shall be of metal or other impervious material and so designed as to facilitate thorough cleansing and sterilization.

(15) Dogs and cats shall be excluded from establishments.

(16) Every practicable precaution, including vermin-proofing of buildings, shall be taken to maintain establishments free of rats, mice, flies, cockroaches and other vermin; but only those poisons approved by the Veterinary Director General shall be used for their eradication.

(17) All knives, saws or other utensils which have been in contact with diseased or infected material shall be immediately sterilized.

(18) Containers used for shipment of boneless meats shall be of such type and material as will afford adequate protection for the meats shipped in them.

Meat and Canned Foods Act—continued

Transportation

10. (1) Every person, firm or corporation which ships or transports out of one province or territory to another in Canada or exports out of Canada, or imports any carcass, portion or product thereof, unless the shipment is covered by an inspection certificate under section 4, subsections (29) and (31), and except as provided by subsections (10) and (11) hereof, shall issue in duplicate the appropriate certificate as prescribed hereunder to be handed to the carrier or transporter with such shipment.

(2) No carrier or other person shall, within Canada, ship, transport or accept for shipment or transportation or carry for export or import any carcass, portion or product thereof unless such carrier or person shall furnish or have a certificate in duplicate in one of the forms prescribed in the Schedule hereto (Forms A, B, C, D, E, or, in the case of Form "B," an approved certificate from the country of origin).

(3) Certificates issued by farmer-owners shall be made out in duplicate, one copy to be kept by the farmer-owner, the other to accompany the shipment and to be delivered to the consignee. The duplicate shall be forwarded to the Veterinary Director General by the consignee.

(4) In addition to the requirements of section 7, subsection (13), hereof, inedible carcasses, portions or products thereof shall be accompanied by the certificate set out in Form "E" of the Schedule hereto.

(5) The original of all certificates, except farmer-owner certificates and those issued by inspectors, shall be held by the initial carrier for at least one year. The duplicate shall be forwarded by him to the Veterinary Director General immediately.

(6) Way bills, transfer bills, running slips or conductors' cards accompanying any shipment of carcasses, portions or products thereof shall have stamped thereon or attached thereto one of the following certificates:

(a) In the case of duly inspected and marked carcasses, portions or edible products thereof: "Shipment inspected and marked with the Inspection Legend as evidenced by shipper's certificate on file with initial carrier.

Railway Company
.....
(Agent)"

(b) In the case of shipments made by farmer-owners:
"Uninspected, as evidenced by shipper's certificate on file with initial carrier.

Railway Company
.....
(Agent)"

(c) In the case of shipments of foreign origin:
"Shipments inspected and marked in
(Country of origin)

.....
as evidenced by certificate on file with carrier.
Railway Company
.....
(Agent)"

Meat and Canned Foods Act—continued

(d) In the case of shipments of inedible products:

“Shipments of inedible products, as evidenced by shipper’s certificate on file with initial carrier.

Railway Company

 (Agent)”

(e) In the case of shipments inspected but not marked:

“Shipment inspected but unmarked, as evidenced by inspector’s certificate on file with initial carrier.
 Car sealed with Government seals.

Railway Company
 No. of Government Seal

 (Agent)”

(7) Before being used for the transportation of edible carcasses, portions, or products thereof, railway cars, wagons and other vehicles shall be thoroughly cleaned and, if necessary, disinfected. They shall be provided with sufficient racks for the proper care and disposition of the contents, and suitable facilities for refrigeration shall be provided and maintained when necessary.

(8) Collectors of Customs shall not permit issue of Customs Export entry Form B.13 to cover export of any carcass, portion or product thereof under the Meat and Canned Foods Act unless such shipment is accompanied by a certificate as prescribed by these regulations.

(9) All certificates required by these regulations to be handed to a carrier shall, unless otherwise specified, be in duplicate.

(10) Ships’ stores and provisions for railway dining cars may be exported out of Canada without being marked with the Inspection Legend, and without certificate.

(11) The following may, unless otherwise ordered, be accepted for shipment or transportation for export without certification or markings:

- (a) undrawn dressed poultry
- (b) carcasses or portions of game or reindeer
- (c) pork and beans
- (d) mincemeat
- (e) gelatin (edible)
- (f) concentrated soups containing not more than five per centum of chicken fat as the sole meat product
- (g) dry concentrated soup mixtures containing meat not in excess of ten per centum.

(12) Cars of meats shipped from one establishment to another under seal and certificate shall not be tampered with during transit but shall be delivered intact to the establishment to which they are consigned as shown on the official certificate.

(13) (a) *Bona fide* commercial samples of manufactured meat products intended for examination or analysis, but not for sale, may be transported anywhere in Canada without certificate if the container be clearly

Meat and Canned Foods Act—continued

marked "Samples—not for sale." The net weight of the product in any such individual sample shall not exceed one pound, but samples of different manufactured meat products, aggregating more than one pound in weight, may be shipped in one container if the container be clearly marked:

".....Samples—not for sale."
(No. of samples)

(b) Samples of meat or of manufactured meat products addressed to an officer of the Dominion Government or to any Provincial Analyst or Bacteriologist shall be deemed to be official samples for which no marking or certification is required.

OFFENCES

11. Every person shall be deemed to have committed an offence punishable as in the Act provided who

- (a) violates any of these regulations;
- (b) moves or causes to be moved any carcass, portion or product thereof or article on which a "Held" tag has been placed or removes a "Held" tag unless thereto authorized by an inspector;
- (c) moves or removes or causes or allows to be moved or removed any carcass, portion or product thereof, except in compliance with the provisions of the Act and these regulations;
- (d) knowing it to be false or misleading issues, signs, or uses any statement or certificate that is false or misleading with respect to any carcass, portion, or product thereof; or
- (e) uses illegally or improperly any Government mark.

Forms

Copies of the forms contained in the Schedule to these regulations may be obtained on application to the Health of Animals Division, Department of Agriculture, Ottawa.

3. Canned Fish and Shellfish and Cannery Inspection Regulations

P.C. 1954-1974

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 16th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of the Meat and Canned Foods Act, is pleased to order as follows:

1. The Regulations Governing the Inspection of Canned Fish and Shellfish and the Operations of Canneries, established by Order in Council P.C. 5701 of 8th November, 1949, as amended, are hereby revoked; and

2. The annexed "Regulations governing the inspection of canned fish and shellfish and the operation of canneries" are hereby made and established in substitution for the regulations hereby revoked.

Meat and Canned Foods Act—continued

REGULATIONS GOVERNING THE INSPECTION OF CANNED FISH AND SHELLFISH
AND THE OPERATION OF CANNERIES

Short Title

1. These regulations may be cited as the *Canned Fish and Shellfish and Cannery Inspection Regulations*.

Interpretation

2. In these regulations,

- (a) “brine” or “pickle” means a solution of common salt (sodium chloride) in clean fresh water or clean sea water, with or without the addition of salt;
- (b) “brogueing” means venting a heated can to permit the escape of air therefrom and immediately closing the vent by means of solder;
- (c) “canned lobster” means the canned meat of the shellfish *Homarus*;
- (d) “cannery” means any building or premises where cans and canned fish or shellfish, as defined by section 2 of the Meat and Canned Foods Act, are packed, processed or prepared for market;
- (e) “chicken haddie” means canned haddock, cod, hake or cusk, or any combination thereof that has not been ground;
- (f) “clam” (Atlantic Coast) means a soft-shell, longneck or squirt clam (*Mya Arenaria*); bar clam (*Macra Solidissima*); and a quahaug or hardshell clam (*Venus Mercenaria*);
- (g) “dead-head” means a can with such a large leak or leaks in it that it does not bulge during processing;
- (h) “Department” means the Department of Fisheries of Canada;
- (i) “do-over” means canned fish or shellfish reprocessed in a new can;
- (j) “drained weight” means the weight in avoirdupois of any fish or shellfish contained in a can or other container after the can or container has been opened and the liquid has been allowed to drain away therefrom freely for not less than one minute and not more than one and one-half minutes;
- (k) “export” means to send, ship or otherwise convey or cause to be sent, shipped or otherwise conveyed from or out of any province of Canada to any place outside that province;
- (l) “fat can” means a can of sardines that is overfilled and closed so quickly that the surplus contents cannot escape;
- (m) “filler”, as permitted in the preparation of lobster paste, means cereals or edible fats;
- (n) “finnan haddie” means canned smoked haddock, smoked cod, smoked cusk, smoked hake or smoked pollock, or any combination thereof;
- (o) “fish inspection laboratory” or “laboratory” means any fish inspection laboratory of the Department of Fisheries of Canada, including the officers and inspectors employed therein, appointed under section 5 of the Meat and Canned Foods Act;
- (p) “flaked fish” means canned haddock, cod, hake or cusk, or any combination thereof that has not been ground;

Meat and Canned Foods Act—continued

- (q) “flipper” means a can with one end which bulges with or without jarring after being processed and cooled, due to overfilling or failure to exhaust the can;
- (r) “inspecting officer”, “local fishery officer” means any Supervisor of Fisheries, fisheries inspector or fishery officer authorized by the Minister to undertake the enforcement of these regulations;
- (s) “inspector” means the chief chemist and the senior laboratory assistants employed in a fish inspection laboratory;
- (t) “lobster” means the shellfish *Homarus*, or any part of such shellfish;
- (u) “lobster paste” means a ready-to-use by-product of lobster which may contain filler and which may be designated by other trade names;
- (v) “Minister” means the Minister of Fisheries;
- (w) “net weight” means the total weight in avoirdupois of the closed can or other container and contents minus the weight of the empty, cleaned and dried can or container and cover;
- (x) “processing” means the sterilization and necessary cooking of the contents of the cans in a steam retort, after they are filled and closed; and includes the canning of fish and shellfish without either sterilization or cooking;
- (y) “sardine” means any small clupeoid fish;
- (z) “swell” means a can, the top and bottom of which bulge outward some time after being processed, as a result of bacterial spoilage; and
- (aa) “tomalley” or “tomali” means a by-product of lobster, the ingredients of which have not been ground to a smooth consistency.

Cannery Sanitation and Operating Methods

3. (1) Canning operations shall be conducted in a building or a separate portion of a building maintained exclusively for canning purposes or for manufacturing cans; but during the time that canning is not being carried on the building may be used for storage or other purposes not injurious to its use as a cannery, subject to the approval of an inspecting officer.

(2) Canneries and the wharves, stages and houses used in connection therewith and all vehicles and containers shall at all times be kept in a clean sanitary condition and canneries shall have effective ventilation satisfactory to the inspecting officer.

(3) The ground and the beach connected with and under the control of any cannery under and within twenty-five yards of any cannery shall be kept free of any matter that in the opinion of the inspecting officer is objectionable.

(4) A cannery shall have flush toilets or latrines which shall be arranged and equipped to the satisfaction of the inspecting officer.

(5) All canneries shall have an abundant supply of clean water, satisfactory to the inspecting officer.

Meat and Canned Foods Act—continued

4. (1) All arrangements and equipment in a cannery for processing fish or shellfish and for the cleanliness and sanitation of employees shall be such as are satisfactory to the inspecting officer.

(2) Tables, equipment and all utensils used in canneries shall be thoroughly washed with clean boiling water immediately after each day's operations, and the floor shall be thoroughly washed with clean hot water or steam at least once each day the cannery is in operation.

(3) Where the water supply is from a dug well, the well must be suitably protected above the surface with concrete.

(4) If the water supply is from a bored well, such well must be properly cased to save it from becoming contaminated.

(5) There shall be provided in all canneries at places convenient for the use of employees washbasins that are supplied with hot and cold water and with soap, or a soap substitute that is satisfactory to an inspecting officer, and with clean towels that are satisfactory to an inspecting officer.

5. Where fish or shellfish meat is packed by hand it shall be conveyed to the fillers or packers in individual trays and the contents of each tray shall be packed before the contents of another tray are used; each tray shall be thoroughly washed when emptied and sterilized at least twice each day during packing operations; flakes that are used for cooking fish in sardine canneries shall be thoroughly cleaned, at least twice each day packing operations are carried on, by means of mechanically operated brushes or other equally effective method.

6. (1) Except in the case of fresh or frozen lobster meat, a can shall be hermetically sealed and, before the can is so sealed, except in the case of a flat drawn can, adequate measures shall be taken to ensure a vacuum of at least four inches (Mercury) after the can has been processed and has cooled.

(2) All fish and shellfish in hermetically sealed cans shall be so processed as to make sure that the contents are thoroughly sterilized.

(3) All cans shall be inspected for defects as soon as they are removed from the retort and all defective cans withdrawn.

(4) Dead-heads shall be immediately repacked in new cans and reprocessed.

(5) Flippers shall be either brogued and reprocessed or reprocessed in new cans.

(6) Swells shall be immediately destroyed.

7. (1) No child under eight years of age or any animal shall be permitted to enter a cannery.

(2) No person who has any infectious or contagious disease shall be employed in a cannery.

8. (1) In the provinces of Quebec, New Brunswick, Nova Scotia and Prince Edward Island, no person shall can fish or shellfish for export except under permit from the Minister issued for each cannery operated by such person.

(2) The Minister may grant a permit if he is satisfied that the sanitary, operating and other conditions of the cannery, and all other requirements prescribed by the Meat and Canned Foods Act and these regulations are complied with.

Meat and Canned Foods Act—continued

(3) A canner to whom a permit has been issued shall be assigned a permit number for each cannery operated by him, and the number so assigned shall not be used by any other canner.

(4) The permit number shall be embossed on all cans of fish and shellfish packed in the cannery for which the permit number has been issued unless the Minister exempts the canner from this requirement.

(5) Permits shall be issued subject to the cannery attaining and maintaining the minimum mark of seventy per cent for construction and sanitation, and seventy per cent for equipment and operating methods as determined by the use of a grading form approved by the Minister.

(6) A provisional permit may be issued by the Minister authorizing the operation of a fish or shellfish cannery for not more than one week from the commencement of canning operations, to provide for the cannery being graded; should the cannery fail to attain the required minimum marks specified in subsection 5, or in the case of a lobster cannery, the marks specified in paragraph (a) of section 9, the provisional permit shall immediately terminate.

(7) Subsections (3), (4) and (5) do not apply to the canning of lobster or to the production of fresh or frozen lobster meat.

9. A permit issued for a cannery in which canned lobster, tomalley, lobster paste, or fresh or frozen lobster meat is packed is subject to the following conditions:

- (a) The cannery shall have been graded and have obtained a minimum of seventy-five marks for construction and equipment and a minimum of eighty-five marks for operating methods and cannery sanitation, as determined by the use of a grading form approved by the Minister; and
- (b) Each can of lobster, tomalley or lobster paste packed under the permit shall be embossed with the letter "L" and the number of the permit and each can of tomalley or lobster paste shall be embossed with the letter "T"; any can of lobster, tomalley, or lobster paste that has not been so embossed, may be seized and confiscated, and no person shall buy, sell, ship, export or have in his possession any can of lobster, tomalley or lobster paste that is not embossed as required by this section.

10. Every case or carton of canned fish or shellfish, before being removed from the cannery in which the cans were packed, shall be marked on one end, in a plain and conspicuous manner, with the registered mark or number of the cannery or the permit number of the lobster cannery; but where the name and address of the packer is clearly shown on the case or carton such registered mark or number or permit number need not be shown.

11. (1) Application for a permit to operate a fish or shell-fish cannery shall be made in writing to the inspecting officer in whose district the cannery is located; the inspecting officer may obtain for the applicant at his request plans of a suitable cannery layout, technical advice on canning methods and information as to the adequacy and suitability of water supply.

(2) Permits for canneries in which fresh or frozen lobster meat is produced shall be issued subject to the conditions set forth in these regulations.

Meat and Canned Foods Act—continued

(3) Permits for canneries in which chicken haddie and mackerel are packed shall be issued subject to the conditions that the canner shall have available an adequate supply of ice from an approved source for icing mackerel and fish and for packing chicken haddie as soon as the fish come under his control.

12. Every fish and shellfish cannery shall be equipped with a steam retort and a steam boiler.

13. (1) The floors of every cannery shall be watertight and sloped to a drain or drains which shall carry away all drainage to a point below high water mark.

(2) The portion of the drain inside a cannery connecting with the drain to high-water mark may be constructed of wood lined with galvanized iron and made watertight by soldering the joints so as to be sanitary and easily flushed; the portion of the connecting outside drain to high-water mark may also be of wood or wood lined with galvanized iron and made watertight, provided that canneries built over the water may have direct drainage from the tables to the tide water underneath and suitable openings in the floor to carry off the flushing or other water.

(3) No floor or part of a floor of any cannery shall be of earth.

14. The inside bottom of fishing boats and smacks carrying fish or shellfish to be canned, except of those carrying sardines or herring, shall be either lined or fitted with a flooring in such manner as to keep the fish or shellfish free from bilge or other offensive liquid; the use of bags for carrying fish or shellfish is prohibited.

15. Lobsters shall be removed from the boiling vats immediately after they have been boiled.

16. The water in any boiling vat shall not be used for boiling more than two batches of lobsters.

17. Sinks or receptacles for holding fish or shellfish meat in the course of packing shall be of non-corrosive rust-resisting materials excepting wood, or of galvanized iron free from rust.

18. Coolers in shellfish canneries shall be covered with galvanized iron, zinc, or rust-resisting wire allowing of thorough cleansing, and steaming; where practicable the sides and bottoms of coolers shall be open to permit quick drainage and cooling.

19. (1) In localities where it is impracticable to keep lobsters alive in water adjacent to the cannery, lobsters that have been cooked after four o'clock in the afternoon of any day may be allowed to remain on the coolers until the following day but shall be packed and processed before ten o'clock in the forenoon; shellfish meat that has been removed from the shell shall be immediately packed and processed and no meat shall be allowed to remain in an unpacked or unprocessed condition overnight; lobsters that are weak or dead are deemed to be unfit for human food and shall not be canned.

(2) The cracking block shall be of smooth hardwood or smooth hard rubber and shall be steamed or boiled in clean water daily and kept in a sanitary condition satisfactory to the inspecting officer.

(3) Cannery tables on which cooked fish or shellfish meat is handled shall be covered with rust-resisting, non-corrosive metal or other impervious

Meat and Canned Foods Act—continued

material, but wooden table tops may be used if impregnated to make them waterproof to the satisfaction of the inspecting officer; such tables shall have proper drainage and all joints shall be watertight.

(4) Tables for handling fish or shellfish in canneries that are not provided with a sheeted and painted ceiling shall be provided with canopies of suitable material to prevent dust from falling on the tables.

(5) Outside doors, windows and other openings of canneries operating between June 15 and November 1 in any year, shall be properly screened and the screens maintained to exclude flies and other insects.

(6) In the preparation and canning of tomalley, only the liver (green), roe, meat from the legs, thumbs and body, and other edible parts of the lobster that are fresh, clean, and sound, shall be used; the gills, guts, stomach, shell particles, cartilage or other unsuitable or unsound parts of the lobster shall not be used; the use of filler or other ingredient in the preparation and canning of tomalley is prohibited.

(7) In the preparation and canning of lobster paste, only those parts of the lobster permitted in the preparation of tomalley under subsection (6) shall be used; the paste shall be ground to a smooth consistency, shall be of uniform colour, and may contain filler, not exceeding two per cent by weight of the finished paste; spices and artificial colouring may be added.

(8) Each batch of tomalley or lobster paste shall, after the raw material is steamed or boiled, be packed, sealed and processed within four hours, or shall be frozen immediately and kept frozen until packed.

(9) Cans of tomalley or lobster paste shall be filled to leave no excessive head space.

20. (1) Offal from canneries in British Columbia, such as waste, entrails, parts and scales, shall be carried away from the cleaning tables or cleaning machinery in water-tight receptacles, and shall be either deposited below low-water mark or removed in scows or retained in boxes or chutes for removal in scows; when retained in boxes or chutes the boxes or chutes shall be sufficiently high to enable scows to be placed under them at any stage of the tide.

(2) Canneries on the Atlantic coast shall have suitable receptacles, satisfactory to the inspecting officer, for offal and all such receptacles shall be regularly emptied and thoroughly cleansed and limed during March and April and daily during the balance of the season.

21. (1) Sardines containing red feed are deemed to be unfit for human food and shall not be canned.

(2) Sardines or herring to be ground and canned for human consumption shall be gutted, headed, tail trimmed, scaled and washed.

(3) In the canning of mussels, so-called pearls and the *byssus* (a tendril growing from mussels to fasten them to a fixed object) shall be entirely removed.

(4) In the canning of soft-shelled clams, the dark coloured portion of the so-called neck and all of the mantle cover shall be removed.

(5) Clams or mussels which contain excessive amounts of green algae shall not be canned.

Meat and Canned Foods Act—continued

(6) In the canning of chicken haddie or flaked fish, large hake, commonly known as dark hake or sow hake shall not be used.

(7) In canning clam juice, only the strained natural liquid obtained by cooking live clams shall be used.

(8) In the preparation of Atlantic tuna for canning, where edible oil is added it shall be added to each can in the proportion of at least one half ounce of oil to seven ounces of cooked meat.

(9) Canned flaked Atlantic tuna shall be packed from small whole-some pieces of cooked light meat and shall be labelled as "flaked" or "grated" or "shredded" tuna or with similar designations to distinguish it from solid pack.

(10) Canned tuna packed from the dark meat shall be labelled "TUNA DARK MEAT" in letters of equal size.

22. (1) Fish or shellfish found during the process of preparing and packing to be unsound or unfit for human food may be seized, confiscated and destroyed by any inspecting officer.

(2) Canned fish or shellfish found at any time to be unsound or unfit for human food shall be seized by any inspecting officer and subject to appeal for reinspection may be confiscated and destroyed; where a proportion of cans in any one case or cases of canned fish or shellfish is found, after adequate test, to be unsound or unfit for human food the whole may be seized, confiscated and destroyed; for this purpose samples shall be withdrawn from the suspected lot in accordance with the provisions of section 73, subsection (1); two such sets of samples shall be withdrawn, one to be submitted to the fish inspection laboratory, and the other to be retained by the inspector pending further instructions.

(3) Canned fish or shellfish that do not conform to the requirements of these regulations as to quality, shall be deemed unsound and may be seized and confiscated by any inspecting officer, and be disposed of as the Minister may direct.

Sizes of Cans

23. (1) Three sizes of cans shall be used for canning lobster; namely, those known as three, six and twelve ounce cans; a can of each size, in the order named, shall contain not less than two and one-half, five, and ten ounces drained weight respectively; and each can shall be labelled to show the weight of meat content in accordance with the requirements of this section.

(2) No other size of can shall be used for canning lobster without the written permission of the Minister; such written permission shall state the weight of contents that each size of can so authorized shall contain, and each such can shall be labelled to show the weight of contents in accordance with these requirements.

(3) When it is established to the satisfaction of the Minister that the marking or labelling of canned lobster as herein prescribed hinders the sale of the same in markets outside of Canada he may, upon the request of the packer or owner, exempt such canned lobster as is exported to such markets from any or all of these provisions, subject to the condition that the number of the cannery permit shall be legibly marked on the can.

Meat and Canned Foods Act—continued

(4) One size of can shall be used for canning clams or mussels in Prince Edward Island, Nova Scotia, New Brunswick and Quebec; namely, four inches in height and two and eleven-sixteenths of an inch in diameter; each can shall contain not less than five ounces drained weight.

(5) For export from Canada, the Minister may grant a permit authorizing the use of other sizes of cans used for canning clams or mussels; such permit shall specify the size of can authorized to be used and the minimum drained weight of the contents thereof.

(6) Except when packed for export outside of Canada, there shall be two sizes of cans used for canning chicken haddie and finnan haddie; namely, those known as one flat and half flat cans; the one flat can shall contain not less than fourteen ounces avoirdupois nor less than thirteen ounces drained weight; the half flat can shall contain not less than seven ounces avoirdupois nor less than six and one-half ounces drained weight.

Minimum Weights

24. (1) The following minimum weights, in ounces avoirdupois, of the contents of each size of can used in the canning of fish designated in this section are hereby established.

	Can size	Min. net weight	Min. drained weight
(a) Flaked fish.....	lb. tall.....	14	13
	1 flat.....	14	13
	$\frac{1}{2}$ flat.....	7	6 $\frac{1}{2}$
(b) Mackerel.....	lb. tall.....	15	12 $\frac{1}{2}$
	1 flat.....	15	12 $\frac{1}{2}$
(c) Mackerel fillets.....	lb. tall.....	15	12
	1 flat.....	15	12
	No. 1 picnic.....	10	8
(d) Herring and Gaspereau.....	lb. tall.....	15	12 $\frac{1}{2}$
	1 flat.....	15	12 $\frac{1}{2}$
	lb. oval.....	13	10 $\frac{3}{4}$
	No. 1 picnic.....	10	8

(2) For other sizes of cans than those provided for in this section and in section 23, whether for export or not, the Minister may establish the minimum net weight and drained weight of the contents of each size of can used, for which standards of quality and grade have been herein designated.

Underweights

25 (1) Where a proportion of the cans in any case or cases of a particular lot of canned lobster, clams, mussels, chicken haddie, finnan haddie, herring, mackerel or mackerel fillets, packed on the Atlantic Coast is found to contain less than the weight prescribed by these regulations for each size of can, or where the cans of other fish or shellfish contain less than the weight shown on the label, all of the cans may be seized and held by an inspecting officer and, subject to reinspection, be disposed of in the following manner:

Meat and Canned Foods Act—continued

- (a) Two sets of samples shall be withdrawn from the cans under seizure, one to be submitted to the fish inspection laboratory for weight test, and the other to be held by the inspector making the withdrawal pending further instructions; the average short-weight of the underweight samples shall be deemed to be the short-weight of the cans under seizure.
- (b) Where the lot has been found underweight by the fish inspection laboratory, each can under seizure shall be labelled as required by the Meat and Canned Foods Act and these regulations and each label shall be plainly marked with the words "Contents... ounces Shortweight"; the seized goods may then be returned to the owner or packer under a certificate issued by the inspecting officer who made the seizure; the shipment or transfer of canned fish or shellfish marked as required by this section shall be accompanied by certificate to its final destination; such certificate shall show the number of packages to which it relates and the name and address of the packer, consignor and consignee.

(2) Unlabelled cans of fish or shellfish, seized and held as being underweight shall not be moved, caused or allowed to be moved by the packer or owner or his agent, from the premises where the cans were ordered to be held, unless permission has first been given by the Minister and the shipment or transfer is accompanied by a certificate issued by the inspecting officer who gave the order to hold the cans.

General

26. (1) When a dispute arises between an inspecting officer and the packer or owner of canned fish or shellfish as to the condition, quality or weight of the contents of the can after canning, such packer or owner may appeal to the Minister who may order a reinspection and such reinspection shall be final; provided, however, that there shall be no appeal unless the Minister is satisfied that the identity of the goods under appeal has been carefully preserved, and provided, further, that if deemed necessary for the preservation of identity, the goods under appeal may be removed by an inspecting officer to a place of safekeeping; no appeal shall be granted unless applied for within thirty days after the dispute arises.

(2) Notwithstanding anything herein contained, the Minister may at any time order a reinspection of any lot of canned fish or shellfish wherever situated.

(3) The table of withdrawals contained in section 73, subsection (1), shall apply to sampling for any inspection by the fish inspection laboratory.

27. Except as herein otherwise provided, cans of fish or shellfish that are to be exported for sale in markets outside of Canada are exempted from the labelling provisions of section 18 of the Meat and Canned Foods Act, and may be exported without labels or with such labels as the buyer in the country of destination may desire, provided that such labels comply with the laws of the country of destination; and provided, further, that the lid of every can of salmon, whether for export or not, shall be embossed with the word "Canada".

28. (1) No person shall import or attempt to import any canned fish or shellfish unless the imported shipment is accompanied by an affidavit made by the shipper or packer in the country where the imported canned fish or shellfish was processed and packed, in Form A.

Meat and Canned Foods Act—continued

(2) Any canned fish or shellfish imported into Canada shall be subject to such inspection as the Minister may deem necessary, and any canned fish or shellfish that does not conform to the affidavit prescribed by subsection (1) or is found by an inspector to be unsound, unwholesome or otherwise unfit for human food, may be seized and forfeited to Her Majesty and may be disposed of as the Minister may direct.

Canned Salmon

29. (1) British Columbia salmon when packed in cans shall be designated as follows:—

- (a) Sockeye Salmon (*Oncorhynchus nerka*) as “Sockeye”.
- (b) Quinnet, Spring or King Salmon (*O. tshawytscha*) as either “Fancy Red Spring”, “Standard Red Spring” or “White Spring” in accordance with the colour of the flesh.
- (c) Coho or Silver Salmon (*O. kisutch*) either as “Coho” or “Silver Salmon”; in addition the name “Medium Red” or “Red” may be used.
- (d) Humpback Salmon (*O. gerbuscha*) as “Pink”.
- (e) Dog Salmon (*O. keta*) as “Chum”, “Qualla” or “Keta”.
- (f) Steelhead (*Salmo gairdneri*) as “Steelhead” or “Sea Trout”.

(2) The name “Blueback” may be used to designate fish locally known as such whose flesh is not quite so red as that of sockeye but is redder than that of pinks.

(3) Tips and tails, minced or other similar forms of canned salmon may be packed separately but shall be designated accordingly.

(4) When the words “Fancy”, “Choice”, “Standard”, “Red”, “Medium Red” or other similar designations are shown on the labels of canned salmon, the name of the variety of salmon shall be shown close to such words and in letters equally large and conspicuous.

(5) The words “Fancy”, “Choice”, “Standard”, or other similar designations shall not be shown on labels of canned salmon that fail to qualify for the certificate prescribed by section 30.

**REGULATIONS FOR THE INSPECTION AND CLASSIFICATION OF CANNED SALMON
AND CANNED HERRING PACKED IN BRITISH COLUMBIA**

30. All canned salmon and canned herring shall be inspected and for such as conform to the requirements of section 39 a certificate of inspection shall be issued before it passes from the control of the producer and before it is delivered to a buyer or agent for sale in either the Canadian or foreign market; the certificate shall be in accordance with the report of the laboratory and shall be signed by the Chief Supervisor of Fisheries for the Province, or by an officer authorized by the Minister to sign for him.

31. Each shipment of canned salmon or canned herring to a destination outside Canada shall be inspected on a public wharf or in a public warehouse at the port of final shipment from the Province.

32. Each shipment of canned salmon or canned herring for a destination in Canada shall be inspected at the port of final loading in British Columbia, when shipped by water, or in a public warehouse where the railway cars are loaded and sealed, if shipped by railway; provided that,

Meat and Canned Foods Act—continued

where canneries or private warehouses of producers are connected by a railway siding with a railway system of Canada, the inspection may be made in the canneries or private warehouse if the railway cars are to be loaded at and despatched from the canneries or private warehouses direct to destinations in Canada.

33. Each day's pack of canned salmon shall be identified by code marking the cans during the canning process in such a manner as to show the species of salmon contained therein, the date of canning and the name of the packer, and all canned herring shall be similarly marked to show the date of canning and name of the packer.

34. On all canned salmon the first letter of the code marking shall represent the species of salmon as follows:

Sockeye	S
Pinks	P
Cohoës	C
Chums	K
Spring	T
Bluebacks	B
Steelhead Trout	H

35. Cans containing tips and tails, minced or other similar forms of salmon shall, in addition to the foregoing code marks, be embossed with the words "Tips and Tails", "Minced Salmon" or such other designation as the Minister may approve, in letters at least three-sixteenths of an inch in height and the word "Canada" shall not appear.

36. Each day's pack of canned salmon when cased shall show on the cases the same identification mark, as to species, as is marked on the cans contained therein.

37. Each day's pack of canned herring shall be identified by code marking the cases in which the cans are boxed for transport in such a manner as to show the date of canning, the name of the packer and the name of the cannery at which packed, such code marking to be prefixed by the letters "B.C.H."

38. Application for the inspection of any parcel or parcels of canned salmon or canned herring shall be made in writing to the Chief Supervisor of Fisheries for the Province; the inspection shall be made as promptly as possible but the Department of Fisheries shall not be responsible for any delay; the application shall show:

- (a) the number of cases of each species of canned salmon or the number of cases of canned herring in the parcel or parcels and the name of the cannery in which it was packed;
- (b) the warehouse or cannery in which the canned salmon or canned herring is located; and
- (c) the identification marks on the parcel or parcels of canned salmon or canned herring.

39. Canned salmon found by the laboratory to be sound, firm, well packed and in good merchantable condition shall be approved and a certificate in Form B shall be issued therefor; canned herring found by the laboratory to be of fair average quality, well packed and in good merchantable condition shall be approved and a certificate in Form C shall be issued therefor.

Meat and Canned Foods Act—continued

40. No certificate shall be issued for canned salmon or canned herring found by the laboratory to be sound, wholesome and fit for human but which does not meet the requirements of section 39; such salmon or herring may be reconditioned and presented for re-examination not later than six months from the date it was first inspected.

41. Notwithstanding section 27, before any parcel of canned salmon that does not qualify for a certificate but is found by the laboratory to be sound, wholesome and fit for human food, is shipped from the port of final shipment, the cannery or the private warehouse of the producer, an additional cover fitted tightly inside the rim shall be cemented to each can in a manner satisfactory to the Minister and embossed "Grade B" in letters at least three-sixteenths of an inch in height; the additional cover shall be at that end of the can upon which "Canada" is embossed and if "Canada" is on both ends an additional cover shall be cemented on both ends.

42. Before parcels of tips and tails, minced or other similar forms of canned salmon classified as "Grade B" by the laboratory are shipped from the port of final shipment, the cannery or the private warehouse of the producer, an additional cover tightly fitted inside the rim shall be cemented to each can in a manner satisfactory to the Minister and embossed "Grade B Tips and Tails", "Grade B Minced Salmon" or such other designation as the Minister may approve, in letters at least three-sixteenths of an inch in height.

43. A canner may provide himself with empty cans already embossed "Grade B" in place of the word "Canada" in which to pack salmon which in his judgment will be passed by the laboratory as "Grade B".

44. All "Grade B" canned salmon whether for export or not shall be labelled and the labels shall show the words "Grade B" conspicuously in letters not less than three-sixteenths of an inch in height; the top of the label shall be at the end of the can which bears the designation "Grade B"

45. Cases in which "Grade B" salmon is shipped shall be marked conspicuously with the words "Grade B" in letters not less than one inch in height.

46. Before any parcel of canned herring that does not qualify for a certificate but is found by the laboratory to be sound, wholesome and fit for human food, is shipped from the port of final shipment, the cannery or the private warehouse of the producer, each can shall be labelled and the label shall include the words "Grade B" shown conspicuously in letters not less than three-sixteenths of an inch in height; one end of the case in which such cans are boxed shall also be marked conspicuously with the words "Grade B" in letters not less than one inch in height immediately beneath the code marking required by section 37.

47. Parcels of canned salmon and canned herring classified as "Grade B" shall be submitted for final examination after the requirements of sections 41 to 46 have been fulfilled; until final examination, parcels of "Grade B" canned salmon or "Grade B" canned herring shall not be moved from where they were sampled without a permit from the Chief Supervisor of Fisheries; a canner who has obtained such a permit shall keep the Chief Supervisor advised of the movement of such parcels until the requirements of sections 41 to 46 have been fulfilled and final examination has been made.

Meat and Canned Foods Act—continued

48. Canned salmon or canned herring that are found by the laboratory not to be sound, wholesome and fit for human food shall be confiscated and destroyed or may be used by the Department of Fisheries for purposes other than human food.

49. If the laboratory's decision is challenged by the canner of salmon or herring that fails to obtain a certificate, the canner may appeal to the Minister within six months from the date of the laboratory examination and the Minister may order a reinspection which shall be final; there shall be no appeal unless the Minister is satisfied that the identity of the parcel in dispute has been preserved; final reinspection shall be by three qualified persons, one selected by the Chairman of the Fisheries Association of British Columbia, one by the appellant and one by the Chief Supervisor of Fisheries for British Columbia.

50. The remuneration for conducting a reinspection under appeal is five dollars to each of the three persons appointed as provided above; if the reinspection on appeal confirms the decision on the original inspection the cost of reinspection shall be paid by the appellant, but if the original decision is not confirmed the cost shall be paid by the Department of Fisheries; the Chief Supervisor of Fisheries shall take the initiative in constituting the appeal board in each case.

51. (1) Upon an inspection of a parcel of canned salmon or canned herring, the laboratory shall

- (a) withdraw or cause to be withdrawn therefrom not less than the following minimum number of cases out of the number of cases in the parcel:

<i>Maximum No. Cases</i>	<i>Minimum No. Withdrawals</i>
5	All
10	6
25	9
100	12
500	18
1,000	24
Over 1,000	36

- (b) inspect at least one can from each case so withdrawn but not less than three cans when the parcel is one or two cases nor less than six cans when the parcel is four or five cases.

(2) The laboratory may, nevertheless, withdraw as many cases and inspect as many cans as the laboratory may require to determine the classification of the parcel.

52. A fee at the rate of one-half cent per case of forty-eight one-pound cans, or the equivalent thereof, shall be charged for the inspection of each parcel of canned salmon or canned herring; where inspection is made or samples are withdrawn by direction of the laboratory at a cannery or private warehouse of the producer, in addition to this fee the producer shall pay the actual travelling and living expenses incurred by the inspector or his sampler in making the sampling or inspection; such fee and expenses shall, within thirty days of the date of inspection, be paid by the applicant to the Receiver General of Canada through the Chief Supervisor of Fisheries for the Province on all parcels inspected; no inspection certificate shall be issued until the fee and expenses are paid.

Meat and Canned Foods Act—continued

53. Where code markings are provided for by section 33 the producer shall furnish the Chief Supervisor of Fisheries for the Province with a key to his code for each cannery each year at least thirty days prior to the date on which canning operations will be begun.

INSPECTION AND CLASSIFICATION OF IMPORTED CANNED SALMON

54. Each shipment of canned Pacific salmon imported for sale in Canada shall be inspected by the laboratory.

55. All shipments of canned Pacific salmon imported for sale in Canada shall enter through a British Columbia port only.

56. On arrival of any shipment of canned salmon at a British Columbia port of entry the Collector of Customs for such port shall notify the Chief Supervisor of Fisheries for the Province of its arrival; the Collector shall hold the shipment until it has been inspected and classified by the laboratory and, where necessary, any or all cans therein have been marked as hereinafter required.

57. Imported canned salmon found by the laboratory to be fresh, firm, well packed and in good merchantable condition shall be approved.

58. Parcels of imported canned salmon found by the laboratory to be sound, wholesome and fit for human food but below the requirements of section 57 shall have an additional cover fitted tightly inside the rim and cemented to each can in a manner satisfactory to the Minister and embossed "Grade B" in letters at least three-sixteenths of an inch in height; each can shall be labelled and the label shall show the words "Grade B" conspicuously in letters not less than three-sixteenths of an inch in height; and one end of each case in which such cans are boxed shall be marked conspicuously with the words "Grade B" in letters not less than one inch in height.

59. Imported canned salmon found by the laboratory not be sound, wholesome and fit for human food shall not be cleared for importation but may be returned to the shipper.

60. The provisions of sections 49 and 50 apply in the event of the laboratory's decision under section 59 being challenged by an importer.

61. Withdrawals from any parcel of imported canned salmon for inspection purposes shall be made as prescribed in section 51.

62. A fee at the rate of one-half cent per case of forty-eight one-pound cans, or the equivalent thereof, shall be charged for the inspection of each parcel of imported canned salmon; where inspection is made or samples are withdrawn by direction of the laboratory at a point in British Columbia other than Vancouver, in addition to this fee the importer shall pay the actual travelling and living expenses incurred by the inspector or his sampler in making the sampling or inspection; such fee and expenses shall be paid by the applicant to the Receiver General of Canada through the Chief Supervisor of Fisheries for the Province and no shipment of imported canned salmon shall be released by a Collector of Customs until such fee and expenses are paid.

Meat and Canned Foods Act—continued

INSPECTION AND MARKING OF FRESH AND FROZEN LOBSTER MEAT

63. A cannery in which lobster meat is cooked and preserved in the fresh or frozen state for sale is subject to the sanitary requirements prescribed by the Meat and Canned Foods Act and these regulations and is subject while in operation to daily inspection by an inspecting officer.

64. Lobster meat that is cooked and preserved for sale in a fresh or frozen state in a cannery shall be washed in running water from a potable supply that meets standards acceptable to the Minister of National Health and Welfare.

65. Each batch of lobster shall, after cooking, be cooled immediately by clean cold water and either packed within one hour or stored at a temperature that is not more than forty-five degrees Fahrenheit and packed within sixteen hours; or shall, after cooking, be frozen immediately and held at not more than zero temperature Fahrenheit until packed.

66. Cooked lobster meat that is to be sold as fresh lobster meat shall, after being packed, be chilled immediately to and maintained at a temperature of not more than forty-five degrees Fahrenheit nor less than thirty-two degrees Fahrenheit; cooked lobster meat that is to be sold as frozen lobster meat shall be sharp frozen and maintained at a temperature of ten degrees Fahrenheit or less; no one shall sell as fresh lobster meat lobster meat that has been frozen.

67. Cooked lobster meat that is to be sold as fresh lobster meat or as frozen lobster meat shall be packed free of the gut or vein of the intestinal tract in the tail of the lobster, and the gills, stomach, cartilage, shell particles, liver, roe or any other part of the lobster that is not flesh.

68. (1) The drained weight of fresh lobster meat in any container shall be six-sevenths of the net weight thereof, except as specifically provided as follows:

- (a) 6 oz. net weight to be 5 oz. drained weight.
- (b) 8 oz. net weight to be 7 oz. drained weight.
- (c) 14 oz. net weight to be 12 oz. drained weight.
- (d) 16 oz. net weight to be 14 oz. drained weight.
- (e) 70 oz. net weight to be 60 oz. drained weight.

(2) The drained weight of lobster meat in any container that has been packed dry shall be the same as the net weight and the container shall be marked with the words "Dry Pack".

(3) The drained weight and net weight of frozen lobster meat in any container shall be:

- (a) 6 oz. net weight to be $4\frac{3}{4}$ oz. drained weight.
- (b) 8 oz. net weight to be $6\frac{5}{8}$ oz. drained weight.
- (c) 14 oz. net weight to be $11\frac{3}{8}$ oz. drained weight.
- (d) 16 oz. net weight to be $13\frac{1}{4}$ oz. drained weight.
- (e) 70 oz. net weight to be $56\frac{7}{8}$ oz. drained weight.

Meat and Canned Foods Act—continued

69. (1) A container of fresh or frozen lobster meat shall be marked or labelled with,

- (a) the name and address of the packer;
- (b) the registered mark or number of the cannery where packed;
- (c) the words "Fresh Lobster Meat" or "Frozen Lobster Meat";
- (d) the net weight of contents and drained weight of the lobster meat.

(2) A container of fresh or frozen lobster meat shall be marked by numerals or code to show the date on which it was packed.

(3) Where it is established to the satisfaction of the Minister that the marking or labelling of containers of fresh or frozen lobster meat, as prescribed by this section, hinders the sale of the same in markets outside of Canada, he may, upon request of the packer or owner, exempt such containers of fresh or frozen lobster meat as are exported to such markets from any or all of the provisions of this section, on condition that the number of the cannery permit shall be legibly marked on the container.

70. (1) An inspecting officer shall draw samples of each day's production of fresh and frozen lobster meat that is cooked and preserved in a cannery for sale.

(2) The Chief Supervisor of the Maritimes Area of the Department of Fisheries, or an inspecting officer authorized by him, may issue upon the request of an exporter a certificate of inspection in a form approved by the Minister,

- (a) in respect of fresh or frozen lobster meat that has been produced within the fifteen-day period prior to the date of issue of the certificate, if the Chief Supervisor or authorized officer is satisfied the lobster meat is sound and wholesome and that the regulations have been complied with;
- (b) in respect of frozen lobster meat that has been produced more than fifteen days before the date of issue of the certificate, if the Chief Supervisor or authorized officer is satisfied, from a report of the fish inspection laboratory based upon an examination of samples of the lobster meat drawn after the request, that the meat is sound and wholesome, and if he is satisfied the regulations have been complied with.

(3) No one shall send, ship or otherwise convey or cause to be sent, shipped, or otherwise conveyed from or out of any province in Canada to any place outside of that province any fresh or frozen lobster meat unless these regulations have been complied with.

**GRADING OF CANNED FISH AND SHELLFISH AND LABELLING OF GRADED
CANNED FISH AND SHELLFISH**

71. Canned fish and shellfish for which standards of quality have been established may be graded by the fish inspection laboratory, on application made by a holder of a canned fish and shellfish grading permit; to obtain such permit the applicant shall furnish, on a form provided by the Department, evidence that will satisfy the Minister that he is established in the canned fish or shellfish industry on the Atlantic Coast, and has sufficient warehousing, labelling and shipping facilities to handle a minimum of five hundred cases of canned lobster each of ninety-six half-pound cans,

Meat and Canned Foods Act—continued

or the equivalent thereof, or a minimum of one thousand cases of canned fish or shellfish other than lobster, each of forty-eight one-pound cans or the equivalent thereof, during the calendar year covered by the permit and that he agrees to conform to the requirements of these regulations.

72. Application for the grading of each parcel of canned fish or shellfish shall be made by the holder of a canned fish and shellfish grading permit, or his agent, in writing on a form provided by the Department, to the fish inspection laboratory at Halifax, Nova Scotia; the application shall show:

- (a) the kind of canned fish or shellfish, the number of cases and the number and size of cans contained therein, that are to be graded;
- (b) the warehouse where the cases are stored;
- (c) the embossed cannery permit number on the cans of lobster, or the registered mark or number of the cannery in the case of canned fish or shellfish other than lobster; and
- (d) the warehouse lot or code number of the parcel to be graded.

73. (1) Withdrawals from any parcel of canned fish or shellfish submitted for grading shall be made by the fish inspection laboratory or by its direction in the following manner;

- (a) when the parcel contains up to 100 cases, a minimum of 12 cases;
- (b) when the parcel contains 101 to 500 cases, a minimum of 18 cases;
- (c) when the parcel contains 501 to 1,000 cases, a minimum of 24 cases; and
- (d) when the parcel contains over 1,000 cases, a minimum of 48 cases.

(2) At least one can from each withdrawn case shall be opened and examined, and if the fish inspection laboratory is satisfied the lot may be graded on the condition of the cans examined; where the laboratory is not satisfied with the withdrawals made, it may withdraw as many cases and open as many cans as may reasonably be required to determine the grade as prescribed by these regulations; for the purpose of this section, a case shall contain forty-eight cans.

(3) Cans submitted for examination shall be supplied to the fish inspection laboratory by the applicant and delivered thereto, at his expense.

STANDARDS OF QUALITY AND GRADE

LOBSTER

74. (1) "Extra Fancy Quality" canned lobster shall be packed in tall cans from select stock of whole, sound, firm, well washed claws and tails only; the gut shall be removed from all tails; the can contents shall be properly and uniformly arranged, the tails in "cup" or "coil" fashion, and the claws clapboard style, darker side up; they shall be free from fine meat, leg and thumb meat, guts, shell pieces, scrap meat and inedible parts; they shall have a characteristic odour and flavour, shall be free from discolouration and shall show not more than traces of blood; the liquid shall be clear and the pigment of the meat bright and natural.

(2) "Fancy Quality" canned lobster shall be packed from sound, firm, well washed claws and tails and clean arm and body meat, the gut shall be removed from all tails; the white meat may be slightly straw coloured; the can contents shall be properly and uniformly arranged, the tails in

Meat and Canned Foods Act—continued

“cup” or “coil” fashion, the claws clapboard style, with not more than one-third (by count) of the claws and tails torn or broken and not more than one-fifth (by count) of the claws light side up; practically all the fine meat shall be in the centre of the can; the amount of fine meat shall not exceed one and three-quarter ounces for six-ounce cans and a proportionate amount for other size cans; it shall be free from leg and thumb meat, guts, scrap meat and inedible parts and not more than one-tenth of the cans may contain shell pieces; it shall have a characteristic odour and flavour, shall be free from discolouration, and shall show not more than traces of blood; the liquid shall be reasonably clear and the pigment of the meat bright and natural.

(3) “Standard Quality” canned lobster shall be packed from sound lobster meat which may be slightly soft, slightly straw coloured and shall be reasonably free of blood; the gut shall be removed from all tails; the can contents shall be reasonably well arranged with not more than one-half (by count) of the claws and tails torn or broken; practically all the fine meat shall be in the centre of the can; the amount of fine meat shall not exceed two ounces for six-ounce cans and a proportionate amount for other size cans; it shall be reasonably free from thumb and leg meat, guts, scrap meat and inedible parts, and not more than one-fifth of the cans may contain shell pieces; the odour and flavour may be weak and there shall be no more than traces of discolouration; the liquid may be slightly cloudy and the red pigment slightly dull.

(4) All parcels or lots of canned lobster falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated “Sub-standard”.

CHICKEN HADDIE

75. (1) “Fancy Quality” chicken haddie shall be packed from fresh sound, well-washed and white-naped fish; the can contents shall be firm; the odour and flavour of the can contents shall be appetizing and characteristic of sound fish; the colour of the meat shall be practically white; the cans may not contain more than traces of bones and skin particles and the contents shall be entirely free from discolouration, fork marks and other defects; the can shall be paper lined.

(2) “Standard Quality” chicken haddie shall be packed from sound fish; the can contents may be slightly soft; the odour and flavour of the can contents may be weak and the flavour may be flat or salty; the colour may be slightly dark, with no more than traces of discolouration; the can contents shall be reasonably free of bones, skin particles and fork marks; the cans shall be free of other defects to the satisfaction of the fish inspection laboratory.

(3) All parcels or lots of canned chicken haddie falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated “Sub-standard”.

MACKEREL FILLETS

76. (1) “Fancy Quality” canned mackerel fillets shall be packed from fresh, sound, firm, well-washed mackerel, from which the fins and the entire backbone have been removed; in packing in tall cans the fillets shall be cut to a length corresponding to the inside height of the can, shall be packed uniformly and any small pieces shall be enclosed in the centre;

Meat and Canned Foods Act—continued

the odour and flavour of the canned contents shall be characteristic of canned fresh mackerel; the contents shall be firm and the light-coloured portions of the meat shall be practically white.

(2) "Standard Quality" canned mackerel fillets shall be packed from reasonably fresh and sound, well-washed mackerel, from which the entire backbone has been removed; in packing tall cans, the pieces of fillets shall be packed uniformly and any small pieces shall be enclosed in the centre; the can contents may be slightly soft and the white meat may be slightly dark; the odour and flavour may be weak and the flavour may be flat or salty.

(3) All parcels or lots of canned mackerel fillets falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated "Substandard".

MACKEREL

77. (1) "Fancy Quality" canned mackerel shall be packed from fresh, sound, firm, well-washed mackerel from which fins and all blood along the backbone have been removed; the fish shall be cut into pieces of a length corresponding to the inside height of the can, and all small pieces shall be packed in the centre of the can; the odour and flavour of the can contents shall be characteristic of canned fresh mackerel; they shall be firm, the light-coloured portion of the meat practically white and the liquid reasonably clear and light in colour.

(2) "Standard Quality" canned mackerel shall be packed from reasonably fresh and sound, well-washed mackerel, from which most of the blood along the backbone has been removed; practically all small pieces shall be packed in the centre of the can; the contents may be slightly soft and the white meat and liquid slightly dark; the odour and flavour may be weak and the flavour may be flat or salty.

(3) All parcels or lots of canned mackerel falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated "Substandard".

HERRING (PLAIN) IN TALL CANS

78. (1) "Fancy Quality" canned plain herring shall be packed from fresh, sound, well-washed, gutted fish, from which heads, tails, blood and scales have been removed; the contents shall be firm and the odour and flavour characteristic of canned fresh herring; the fish shall be cut to a length corresponding to the inside height of the can; all small pieces shall be packed in the centre of the can which shall be enamel lined.

(2) "Standard Quality" canned plain herring shall be packed from reasonably fresh, sound, well-washed fish, from which heads, tails, blood, scales and most of the viscera have been removed; the contents shall be reasonably firm and there shall be no stale, rancid and other off odours or flavours; the fish shall be cut to a length corresponding to the inside height of the can and practically all small pieces shall be packed in the centre of the can which shall be enamel lined.

(3) All parcels or lots of canned herring falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated "Substandard".

Meat and Canned Foods Act—continued

HERRING IN TOMATO SAUCE IN TALL CANS

79. (1) "Fancy Quality" canned herring in tomato sauce shall be packed from fresh, sound, well-washed fish, from which heads, tails, blood, scales and practically all of the viscera have been removed; the can contents shall be firm and their odour and flavour characteristic of canned fresh herring. The amount of tomato sauce or puree, having a specific gravity of 1·05 added to one-pound tall cans shall be not less than two and one-half ounces; the fish shall be cooked enough to soften the bones, and all cans shall be enamel lined.

(2) "Standard Quality" canned herring in tomato sauce shall be packed from reasonably fresh, sound, well-washed fish, from which heads, tails, blood, scales and most of the viscera have been removed; the can contents shall be reasonably firm and there shall be no stale, rancid or other off odours or flavours; the amount of tomato sauce or puree, having a specific gravity of 1·05 added to one-pound tall cans shall be not less than two and one-half ounces; the backbones may be slightly hard and all cans shall be enamel lined.

FLAKED FISH

80. The labels attached to all cans of flaked fish shall show the vernacular names of the kinds of fish contained in the cans.

81. (1) "Fancy Quality" flaked fish shall be packed from fresh, sound, well-washed and white-naped fish; the can contents shall be firm; the odour and flavour of the can contents shall be appetizing and characteristic of sound fish; the colour shall be practically white; the cans may not contain more than traces of bones and skin particles, and the contents shall be entirely free from discoloration, fork marks and other defects; the cans shall be paper lined.

(2) "Standard Quality" flaked fish shall be packed from sound fish; the can contents may be slightly soft; the odour and flavour of the can contents may be weak and the flavour may be flat or salty; the colour may be slightly dark, with no more than traces of discoloration; the can contents shall be reasonably free of bones, skin particles and fork marks; the cans shall be free of other defects to the satisfaction of the fish inspection laboratory.

(3) All parcels or lots of canned flaked fish falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated "Substandard".

Lobster Paste

82. (1) "Fancy Quality" lobster paste shall be prepared from fresh, sound, edible parts of the lobster including the roe; the mixture shall be ground thoroughly to a smooth consistency and uniform reddish colour; the odour and flavour shall be appetizing and characteristic of sound lobster paste; the texture shall be that of a smooth, easily spreading paste.

(2) "Standard Quality" lobster paste shall be packed from sound, edible parts of the lobster, with or without roe; the texture may be slightly soft and the colour greenish; the mixture shall be well ground to a smooth consistency and fairly uniform colour and the odour and flavour shall be good.

Meat and Canned Foods Act—continued

(3) All parcels or lots of canned lobster paste falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated "Substandard".

ATLANTIC SALMON

83. (1) "Fancy Quality" canned Atlantic salmon shall be packed from fresh, sound, firm, well-washed fish; all blood along the backbone, the fins and scales shall be removed; the fish shall be cut into steaks corresponding to the inside height of the can; the can contents shall be firm and the odour and flavour shall be characteristic of canned Atlantic salmon; the bones shall be fairly soft and the flesh shall be free from fork marks, bruises and discoloration.

(2) "Standard Quality" canned Atlantic salmon shall be packed from fresh, sound, well-washed fish; the fish shall be cut into steaks corresponding to the inside height of the cans; the can contents shall be practically free from blood and scales; they may be slightly soft; the odour and flavour shall be good; the bones may be slightly hard; and the flesh shall be practically free from fork marks, bruises and discoloration.

(3) All parcels or lots of canned Atlantic salmon falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated "Substandard".

ATLANTIC TUNA—SOLID PACK

84. (1) "Fancy Quality" Atlantic tuna shall be packed from the light meat of sound, well-bled, and well-washed fish; the can contents shall be firm and consist of not more than three pieces; the amount of edible oil in the half-pound can shall be at least one-half ounce; the colour of the meat shall be light and the flavour and odour shall be characteristic of canned Atlantic tuna packed in edible oil.

(2) "Standard Quality" canned Atlantic tuna shall be packed from the light meat of sound, well-bled, and well-washed fish; the can contents shall be firm and consist of not more than three pieces; the amount of edible oil in the half-pound can shall be at least one-half ounce; the colour of the meat shall be light and the flavour and odour shall be characteristic of canned Atlantic tuna packed in edible oil.

(3) All parcels or lots of canned Atlantic tuna falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated "Substandard".

ATLANTIC TUNA (FLAKED)

85. (1) "Fancy Quality" flaked Atlantic tuna shall be packed from the light meat of sound, wholesome, well-bled, well-washed, cooked fish; the can contents shall be firm and free from bones, skin, extraneous tissue and dark meat; the amount of edible oil contained in the half flat can shall be at least one-quarter of an ounce; the colour of the meat shall be light and the flavour and odour characteristic of canned Atlantic tuna packed in edible oil.

(2) "Standard Quality" flaked Atlantic tuna shall be packed from the light meat of sound, wholesome, well-washed, cooked fish; the can contents may be slightly soft and the colour slightly dark; the cans shall be free from bones, skin, extraneous tissue and dark meat; the amount of

Meat and Canned Foods Act—continued

edible oil in the half flat can shall be at least one-quarter of an ounce; the odour and flavour of the can contents may be weak and the flavour may be flat or salty.

(3) All parcels or lots of canned flaked Atlantic tuna falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated "Substandard".

GASPEREAU

86. (1) "Fancy Quality" canned gaspereau shall be packed from fresh, sound, well-washed, gutted fish, from which heads, tails, blood and scales have been removed; the contents shall be firm and the odour and flavour characteristic of canned fresh gaspereau; the fish shall be cut to a length corresponding to the inside height of the can; all small pieces shall be packed in the centre of the can which shall be enamel lined.

(2) "Standard Quality" canned gaspereau shall be packed from reasonably fresh, sound, well-washed fish, from which heads, tails, blood, scales and most of the viscera have been removed; the contents shall be reasonably firm and there shall be no stale, rancid or other off odours or flavours; the fish shall be cut to a length corresponding to the inside height of the can; practically all small pieces shall be packed in the centre of the can which shall be enamel lined.

(3) All parcels or lots of canned gaspereau falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated "Substandard".

SMALL HERRING (PLAIN)*In No. 1 Picnic Cans*

87. (1) "Fancy Quality" canned plain small herring shall be packed from fresh, sound, well-washed fish from which heads, tails and scales have been removed; the contents shall be firm and the odour and flavour characteristic of canned fresh herring; the meat shall be practically white, and shall be free from reddenings along the backbone; the liquid shall be reasonably clear; the number of fish per can shall be not less than eight; all small pieces shall be packed in the centre of the can which shall be enamel lined.

(2) "Standard Quality" canned plain small herring shall be packed from reasonably fresh, sound, well-washed fish from which heads, tails, and most of the scales have been removed; the contents shall be reasonably firm and there shall be no stale, rancid and other off odours or flavours; the meat may be slightly dark, and there may be not more than traces of reddenings along the backbone; the number of fish per can shall be not less than eight; practically all small pieces shall be packed in the centre of the can which shall be enamel lined.

(3) All parcels or lots of canned small herring falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated "Substandard".

HERRING FILLETS

88. (1) "Fancy Quality" canned herring fillets shall be packed from fresh, sound, firm, well-washed herring from which the fins, scales and the entire backbone have been removed; in packing tall cans, the fillets shall

Meat and Canned Foods Act—continued

be cut to a length corresponding to the inside height of the can, shall be packed uniformly and any small pieces shall be enclosed in the centre; the odour and flavour of the can contents shall be characteristic of canned fresh herring; the contents shall be firm and the liquid reasonably clear; the cans shall be enamel lined.

(2) "Standard Quality" canned herring fillets shall be packed from reasonably fresh, sound, well-washed herring from which most of the scales and the entire backbone have been removed; in packing tall cans, the pieces shall be enclosed in the centre; the contents may be slightly soft and the liquid slightly turbid; the odour and flavour may be weak and the flavour may be flat or salty; the cans shall be enamel lined.

(3) All parcels or lots of canned herring fillets falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated "Substandard".

SHAD FILLETS

89. (1) "Fancy Quality" canned shad fillets shall be packed from fresh, sound, well-washed shad, from which fins, scales, and the entire backbone have been removed; in packing tall cans the fillets shall be cut to a length corresponding to the inside height of the can and any small pieces shall be packed in the centre; the odour and flavour of the can contents shall be characteristic of canned fresh shad; the contents shall be firm and cans shall be enamel lined.

(2) "Standard Quality" canned shad fillets shall be packed from reasonably fresh and sound, well-washed shad, from which fins, scales and the entire backbone have been removed; in packing tall cans the fillets shall be cut to a length corresponding to the inside height of the can and any small pieces shall be packed in the centre; the contents shall be reasonably firm and there shall be no stale, rancid or other off odours or flavours; the cans shall be enamel lined.

(3) All lots of canned shad fillets falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated "Substandard".

SHAD

90. (1) "Fancy Quality" canned shad shall be packed from fresh, sound, firm, well-washed fish; the fins, scales and all blood along the backbone shall be removed; the fish shall be cut into steaks corresponding to the inside height of the can and all small pieces shall be packed in the centre; the can contents shall be firm; the odour and flavour shall be characteristic of canned shad and the bones shall be soft; the cans shall be enamel lined.

(2) "Standard Quality" canned shad shall be packed from reasonably fresh, sound, firm, well-washed fish; the fish shall be cut into steaks corresponding to the inside height of the can, and all small pieces shall be packed in the centre; the can contents shall be practically free from fins, blood and scales and shall be reasonably firm; there shall be no stale, rancid or other off odours or flavours; the bones shall be soft; the cans shall be enamel lined.

(3) All lots of canned shad falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated "Substandard".

Meat and Canned Foods Act—continued**KIPPERED SNACKS**

91. (1) "Fancy Quality" canned kippered snacks shall be prepared from fresh, sound, well-washed herring from which fins, scales and the entire backbone have been removed and which have been mildly smoked; in packing the flat drawn cans the fillets shall be placed uniformly, skin side down; the contents shall be firm and the odour and flavour shall be characteristic of mildly smoked fresh herring; the colour shall be uniform and not darker than golden brown, the amount of edible oil in five-ounce cans shall be at least one-quarter of an ounce; the cans shall be enamel lined.

(2) "Standard Quality" canned kippered snacks shall be prepared from reasonably fresh, sound, well-washed herring from which the fins, scales and the entire backbone have been removed and which have been mildly smoked; in packing the flat drawn cans the fillets shall be placed uniformly, skin side down; the contents may be slightly soft; the odour and flavour may be weak and the flavour may be flat or salty; the colour need not be uniform and may be darker than golden brown; the amount of edible oil in five-ounce cans shall be at least one-quarter of an ounce; the cans shall be enamel lined.

(3) All lots of canned kippered snacks falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated "Substandard".

BILLFISH

92. (1) "Fancy Quality" canned billfish shall be packed from fresh, sound, firm, well-washed fish; the fins and all blood along the backbone shall be removed; the fish shall be cut corresponding to the inside height of the can and all small pieces shall be packed in the centre; the contents shall be firm; the odour and flavour shall be characteristic of canned billfish and the bones shall be soft; the cans shall be enamel lined.

(2) "Standard Quality" canned billfish, shall be packed from reasonably fresh, sound, firm, well-washed fish; the fish shall be cut corresponding to the inside height of the can and all small pieces shall be packed in the centre; the can contents shall be practically free from blood and they shall be reasonably firm; there shall be no stale, rancid or other off odours or flavours; the cans shall be enamel lined.

(3) All lots of canned billfish falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated "Substandard".

GASPEREAU FILLETS

93. (1) "Fancy Quality" canned gaspereau fillets shall be packed from fresh, sound, firm, well-washed gaspereau from which the fins, scales and the entire backbone have been removed; in packing tall cans the fillets shall be cut to a length not less than the inside height of the can; they shall be packed uniformly and any small pieces shall be enclosed in the centre; the odour and flavour of the contents shall be characteristic of canned fresh gaspereau; the meat shall be practically white and free from reddening along the backbone; it shall be firm and the liquid reasonably clear; the cans shall be enamel lined.

(2) "Standard Quality" canned gaspereau fillets shall be packed from reasonably fresh, sound, well-washed gaspereau from which most of the scales and the entire backbone have been removed; in packing tall

Meat and Canned Foods Act—continued

cans the pieces of fillets shall be packed uniformly and any small pieces shall be enclosed in the centre; the contents may be slightly soft and the liquid slightly turbid; the odour and flavour may be weak and the flavour may be flat or salty; the meat may be slightly dark and shall be practically free from red discoloration; the cans shall be enamel lined.

(3) All parcels or lots of canned gaspereau fillets falling below Standard Quality and found to be sound, wholesome and fit for human food shall be designated "Substandard".

SMALL HERRING IN TOMATO SAUCE IN NO. 1 PICNIC CANS

94. (1) "Fancy Quality" canned small herring in tomato sauce shall be packed from fresh, sound, well-washed fish from which heads, tails, and scales have been removed; the contents shall be firm and the odour and flavour characteristic of canned fresh herring in tomato sauce; the meat shall be practically white and free from reddenings along the backbone; the number of fish per can shall be not less than eight; the amount of tomato sauce or puree, having a specific gravity of 1.05 added to ten ounce tall cans shall be not less than one and three-quarter ounces or the equivalent thereof for puree of different specific gravity; the cans shall be enamel lined.

(2) "Standard Quality" canned small herring in tomato sauce shall be packed from reasonably fresh, sound, well-washed fish from which head, tails and most of the scales have been removed; the contents shall be reasonably firm; the meat may be slightly dark and shall be practically free from red discoloration along the backbone; the number of fish per can shall not be less than eight; the amount of tomato sauce or puree, having a specific gravity of 1.05 added to ten ounce tall cans shall be not less than one and three-quarter ounces or the equivalent thereof for puree of different specific gravity; there shall be no stale, rancid or other off odours or flavours; the cans shall be enamel lined.

(3) All parcels or lots of canned small herring in tomato sauce falling below Standard Quality but found to be sound, wholesome and fit for human food shall be designated "Substandard".

FINNAN HADDIE

95. (1) "Fancy Quality" finnan haddie shall be packed from sound, well-washed, slightly smoked (in natural smoke) fish or fillets; the can contents shall be firm but not dry; the odour and flavour of the can contents shall be appetizing and characteristic of lightly smoked sound fish; the colour shall be light brown on the smoked surface portions and yellowish-white on the interior parts of the smoked fish; the cans may not contain more than traces of bones, skin particles or trimmings, and the contents shall be free from discoloration, fork marks and other defects; the cans shall be paper lined.

(2) "Standard Quality" finnan haddie shall be packed from sound smoked fish, or suitable trimmings of smoked fish in natural smoke; the can contents may be slightly soft and the odour and flavour may be weak or fairly strongly smoky or salty; the colour may be slightly dark; the can contents shall be reasonably free of bones, skin particles, fork marks and dark trimmings.

Meat and Canned Foods Act—continued

(3) All parcels or lots of canned finnan haddie falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated "Substandard".

POLLOCK

96. (1) "Fancy Quality" canned pollock shall be packed from fresh, sound, well-washed and whitenaped fish; the can contents shall be appetizing and characteristic of sound fish; the cans may not contain more than traces of defects such as bones and skin particles, and the contents shall be free from discoloration and fork marks.

(2) "Standard Quality" canned pollock shall be packed from sound fish; the can contents may be slightly soft and the odour and flavour may be weak and the flavour may be flat or salty; they shall be reasonably free from defects such as bones, skin particles, discoloration and fork marks.

(3) All parcels or lots of canned pollock falling below Standard Quality but found to be sound, wholesome and fit for human food, shall be designated "Substandard".

GASPEREAU IN TOMATO SAUCE

97. (1) "Fancy Quality" canned gaspereau in tomato sauce shall be packed from fresh, sound, well-washed fish from which heads, tails, blood, scales and practically all of the viscera have been removed; the can contents shall be firm and their odour and flavour characteristic of canned fresh gaspereau; the amount of tomato sauce made from puree, having a specific gravity of 1.05, added to one-pound tall or oval cans shall be not less than two and one-half ounces, nor less than one and one-quarter ounces, for half-pound cans, or the equivalents thereof for puree of higher specific gravity; the fish shall be cooked enough to soften the backbones; oval cans shall have not less than one and one-half inches vacuum; the cans shall be enamel lined.

(2) "Standard Quality" canned gaspereau in tomato sauce shall be packed from reasonably fresh, sound, well-washed fish, from which heads, tails, blood, scales and most of the viscera have been removed; the can contents shall be reasonably firm and there shall be no stale, rancid, or other off odours or flavours; the amount of tomato sauce made from puree, having a specific gravity of 1.05, added to one-pound tall or oval cans shall be not less than two and one-half ounces, nor less than one and one-quarter ounces for half pound cans, or the equivalents thereof for puree of higher specific gravity; the backbones may be slightly hard; oval cans shall have not less than one inch vacuum; the cans shall be enamel lined.

(3) All parcels or lots of canned gaspereau in tomato sauce falling below Standard Quality but found to be sound, wholesome and fit for food shall be designated "Substandard".

98. Before application is made for the grading of a parcel of canned fish or shellfish under the standards of quality prescribed by these regulations each can shall be examined for external defects and all defective cans shall be withdrawn by the applicant.

Meat and Canned Foods Act—continued

99. Each parcel of canned fish or shellfish submitted for grading and from which samples have been withdrawn for grading shall be held, and its identity preserved, at the warehouse of the applicant until the standard of quality has been determined and a grading certificate issued, and until all cans in the parcel have been labelled in accordance with the provisions of section 101.

100. For each parcel of canned fish or shellfish that has been graded in accordance with these regulations a grading certificate shall be issued in Form D and shall be delivered to the applicant.

101. (1) The labels to be used on each can of fish or shellfish graded under these regulations shall conform to the requirements of the Meat and Canned Foods Act and these regulations, and also be marked with one of the following designations to show the standard of quality determined by the fish inspection laboratory: A crown enclosing the words "Extra Fancy Grade", "Fancy Grade", or "Standard Grade" and the words "Government" and "Inspected" above and below the crown respectively, as illustrated:



Provided that if stickers are used to mark graded canned fish or shellfish with the designations of the standards of quality, such stickers may be used on the can tops or on the labels; and provided, further, that all cans of a parcel or lot designated as Substandard shall be plainly and indelibly marked on the label with the words: "Government Inspected—Substandard" in letters not less than one-quarter of an inch in height.

(2) All labels shall be registered with and approved by the Department of Fisheries and shall not be used until they are so registered and approved; for this purpose each applicant shall supply the Minister with ten copies of each kind of label to be used by him on graded canned fish or shellfish.

(3) Labels showing any of the above designations shall not be used other than on cans of fish or shellfish that have been graded as required by these regulations.

(4) Each can of fish or shellfish contained in a parcel for which a grading certificate has been issued to the applicant, whose right to appeal for a regrading has expired, shall be labelled at the warehouse of the applicant with the approved label; provided, however, that graded but unlabelled canned fish or shellfish may, at the written request of the permit holder concerned, be transferred under certificate authorized by the Minister to an approved destination to be labelled at that destination.

(5) No person shall label any can of fish or shellfish that has been graded as required by these regulations with a label showing any other standard of quality, of those herein designated, than that determined by the fish inspection laboratory regrading.

Meat and Canned Foods Act—concluded

102. (1) In the event of the fish inspection laboratory decision as to the grade of any parcel of canned fish or shellfish being challenged by an applicant, he may, within fourteen days after delivery of the grading certificate to him, appeal to the Minister for a regrading.

(2) The fee for such regrading is ten dollars.

(3) The regrading may be authorized when the Minister is satisfied that the identity of the parcel in dispute has been preserved and that the samples have been withdrawn as prescribed by these regulations; the regrading, which shall be final, shall be conducted at the fish inspection laboratory, in the presence of three persons, one of whom shall be selected by the appellant, one by the Minister and one by the fish inspection laboratory; provided that where the appellant waives, in writing, his right to appoint a representative, the regrading shall be conducted in the presence of the other two persons.

(4) Should the regrading place the parcel in a higher grade than the original grading the fee shall be returned to the appellant.

103. Notwithstanding anything in these regulations, an inspector may, if he has reason to believe that any canned fish, shellfish or fresh or frozen lobster meat, has been packed or dealt with in any way not in accordance with the Meat and Canned Foods Act or these regulations, or if he deems it necessary for the purpose of preserving the identity of any canned fish, shellfish or fresh or frozen lobster meat, detain at any time and in any place such canned fish, shellfish or fresh or frozen lobster meat, by placing thereon a numbered "Held" tag; any one who moves or causes to be moved any such canned fish, shellfish or fresh or frozen lobster meat or removes the "Held" tag without the authority of the Minister is guilty of an offence under the Act.

104. (1) Canned Atlantic fish and shellfish for which no standards of quality and grade have been established under these regulations may be submitted for inspection to the fish inspection laboratory.

(2) Application for inspection of each parcel of canned fish or shellfish shall be made in writing, on a form provided by the Department, to the fish inspection laboratory.

105. (1) For each parcel of canned Atlantic fish or shellfish that has been inspected and found to be of fair average quality, well-packed and in good merchantable condition, an inspection certificate shall be issued by the fish inspection laboratory in Form E and shall be delivered to the applicant.

(2) All parcels or lots of canned Atlantic fish or shellfish submitted for inspection and falling below the standards of quality required above, but found to be sound, wholesome and fit for human food, shall be designated and marked "Class B" and the inspection certificate shall be marked accordingly.

Forms

Copies of Forms A to E may be obtained on application to the Department of Fisheries, Ottawa.

MEMBERS OF PARLIAMENT RETIRING ALLOWANCES ACT.
(R.S.C., 1952, c. 329)

Members of Parliament Retiring Allowances Regulations

P.C. 1954-1721

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the Members of Parliament Retiring Allowances Act, is pleased to order as follows:

1. The Members of Parliament Retiring Allowances Regulations, established by Order in Council P.C. 4516 of 21st November, 1952, are hereby revoked; and

2. The annexed "Members of Parliament Retiring Allowances Regulations" are hereby made and established in substitution for the regulations hereby revoked.

**REGULATIONS RELATING TO THE MEMBERS OF PARLIAMENT RETIRING
ALLOWANCES ACT**

1. These regulations may be cited as the *Members of Parliament Retiring Allowances Regulations*.

2. In these regulations,

(a) "Act" means the *Members of Parliament Retiring Allowances Act*;
and

(b) "Minister" means the Minister of Finance.

3. (1) The Minister shall, in each calendar month, credit to the Account an amount equal to the contributions paid in that month pursuant to section 6 of the Act.

(2) Where a member has elected, pursuant to section 7 of the Act, to contribute in respect of a previous session, the Minister shall, in the calendar month in which the member so elects, credit to the Account an amount equal to the amount that becomes payable by the member under subsection (1) of section 8 of the Act.

(3) On the last day of each calendar month the Minister shall credit to the Account an amount, representing interest, equal to one-twelfth of four percent of the balance to the credit of the Account at the expiry of the last day of the preceding month.

4. (1) Instalments of an allowance payable under section 11 of the Act shall be paid on the last day of the month.

(2) Where a member becomes entitled to an allowance after the first day of any calendar month, the instalment that is payable on the last day of that month shall be that proportion of the installment for a full month

Members of Parliament Retiring Allowances Act—concluded

that is payable to that member that the number of days in that month on which the member is so entitled is of the total number of days in that month.

(3) Where a person to whom an allowance is payable under section 11 of the Act dies in any calendar month on a day other than the last day of that month, the amount of the instalment that is payable in respect of him for that month is that proportion of the instalment payable to him for a whole month that the number of days in the month prior to and including the day on which he died is of the total number of days in the month.

5. Where the Treasury Board is of opinion that a person who is in receipt of an annual allowance under section 11 of the Act is incapable of managing his affairs and no person is authorized by law to act as committee of his estate, the Treasury Board may authorize payment of the allowance to the wife or other dependent of the recipient, or a solicitor, banker or other agent of the recipient on his behalf until the recipient is, in the opinion of the Treasury Board, again capable of managing his affairs or a person is authorized to act as committee of his estate, whichever first occurs.

6. (1) An election pursuant to section 7 of the Act shall be in Form A.

(2) A notice of the revocation pursuant to subsection (6) of section 8 of the Act shall be in Form B.

Forms

Copies of the forms referred to in these regulations may be obtained on application to the Chief Treasury Officer, House of Commons.

MIGRATORY BIRDS CONVENTION ACT. (R.S.C., 1952, c. 179)

	Page
1. <i>Migratory Bird Regulations</i>	2220
2. <i>Migratory Bird Sanctuary Regulations</i>	2221
3. <i>Bird Sanctuaries and Public Shooting Grounds</i>	2225
(a) <i>Orders in Council amending or discontinuing bird sanctuaries</i>	
(b) <i>Orders in Council amending or discontinuing public shooting grounds</i>	

1. Migratory Bird Regulations

Migratory Bird Regulations are made annually for conservation purposes before the opening of the fall hunting season. As substantive changes are made thereto each year they have not been included in the Consolidation. The regulations in effect on January 1, 1955, were made by Order in Council P.C. 1954-1148 of 28th July, 1954, and were published in the *Canada Gazette*, Part II, No. 15 (Wednesday, August 11, 1954) page 975.

Migratory Birds Convention Act—continued

2. Migratory Bird Sanctuary Regulations

P.C. 1954-1804

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the Migratory Birds Convention Act, is pleased to order as follows:

1. The Regulations for the control and management of Bird Sanctuaries and prescribing certain areas as Bird Sanctuaries, established by Order in Council P.C. 5989 of 24th November, 1949, as amended, are hereby revoked; and

2. The annexed "Migratory Bird Sanctuary Regulations" are hereby made and established in substitution for the regulations hereby revoked.

MIGRATORY BIRD SANCTUARY REGULATIONS

1. These regulations may be cited as the *Migratory Bird Sanctuary Regulations*.

2. In these regulations,

- (a) "Director" means the Director of the National Parks Branch of the Department of Northern Affairs and National Resources;
- (b) "game officer" means a person who is a game officer under the Migratory Birds Convention Act;
- (c) "hunting" means chasing, pursuing, worrying, following after or on the trail of, stalking or lying in wait for the purpose of taking a migratory bird, and any trapping, attempting to trap or shooting at a migratory bird, whether or not the migratory bird is then or subsequently captured, killed or injured;
- (d) "migratory birds" means migratory game birds, migratory insectivorous birds and migratory non-game birds as these are defined in the Migratory Birds Convention Act;
- (e) "Minister" means the Minister of Northern Affairs and National Resources; and
- (f) "owner" means a person who owns, harbours, possesses or has control or custody of a dog or cat.

Bird Sanctuaries

3. The areas described in the Schedule hereto shall be bird sanctuaries and each bird sanctuary described in the Schedule shall be known by the name immediately preceding the description of the area or areas comprising that bird sanctuary.

Prohibitions

4. No person shall in a bird sanctuary hunt, kill, capture, take, injure or molest migratory birds, or take, injure, destroy or molest their nests or eggs, except as in these regulations it is otherwise provided.

5. No person shall without lawful excuse have in his possession while within a bird sanctuary any migratory bird or portion thereof or the nest or egg of any such bird.

Migratory Birds Convention Act—continued

6. (1) No person shall have in his possession while within a bird sanctuary any firearm or any decoy or other appliance of a kind used for the hunting, killing, capturing or taking of migratory birds without being in possession of a valid and subsisting permit therefor issued by the Director.

(2) Subject to the provisions of the Migratory Birds Convention Act and regulations thereunder, the Director may, by permit, authorize in any year a person to have firearms in his possession and to shoot and have in possession wild ducks and wild geese in such portion of a bird sanctuary and during such time as the Minister may from time to time decide.

Dogs and Cats

7. (1) No person shall keep a dog or cat in a bird sanctuary or take or bring a dog or cat upon a bird sanctuary unless he has a permit authorizing him to do so,

(a) issued by the Chief of the Canadian Wildlife Service of the Department of Northern Affairs and National Resources, where the lands in the bird sanctuary are owned by Her Majesty in right of Canada; or

(b) issued by the Chief Game Officer of a province, where the lands in the bird sanctuary are owned by Her Majesty in right of the province.

(2) No owner of a dog or cat shall permit his dog or cat to run at large in a bird sanctuary.

(3) A game officer may destroy any dog or cat found chasing or molesting migratory birds in a bird sanctuary.

(4) A game officer may seize a dog or cat that he finds running at large in a bird sanctuary.

(5) A game officer who has seized a dog or cat under subsection (4) may, in his discretion, restore possession of the dog or cat to the owner thereof where

(a) the owner claims possession of the dog or cat within five days after the date of seizure; and

(b) the owner pays to the game officer all expenses incurred in securing, caring for and feeding the dog or cat.

(6) Where at the end of five days possession of the dog or cat has not been restored to the owner under subsection (5), the game officer may sell the dog or cat by public auction.

(7) The proceeds of the sale of a dog or cat by public auction shall be distributed in the following manner:

(a) all expenses incurred in securing, caring for and feeding the dog or cat shall be paid to the game officer;

(b) the expenses of the public auction shall be paid; and

(c) the balance, if any, shall be paid to the owner.

(8) Where a dog or cat has not been reclaimed within five days after seizure under subsection (5) and no bid has been received at a sale by public auction, the game officer may destroy or dispose of the dog or cat as he sees fit.

8. No person shall carry on in a bird sanctuary, the lands of which belong to Her Majesty in right of Canada or in right of a province, any activity that is detrimental to migratory birds or their eggs or nests unless he has a permit authorizing him so to do issued by

Migratory Birds Convention Act—continued

- (a) the Chief of the Canadian Wildlife Service of the Department of Northern Affairs and National Resources where the lands in the bird sanctuary are the property of Her Majesty in right of Canada; or
 - (b) the Chief Game Officer of the province in which the bird sanctuary is situate where the lands in the bird sanctuary are the property of Her Majesty in right of the province.
9. Nothing in these regulations shall
- (a) prevent waterfowl hunters who carry their firearms unloaded from crossing Grand Manan Bird Sanctuary by the secondary road which leaves the main highway at Mark Hill and crosses Lot No. 76 which forms a part of the said bird sanctuary;
 - (b) prevent waterfowl hunters from transporting unloaded firearms and other hunting appliances through Ile au Heron Bird Sanctuary during the open season for waterfowl in that district; or
 - (c) interfere with the use of Red Deer Bird Sanctuary, Britannia Bay Bird Sanctuary and Dionne Farm 4H Bird Sanctuary for agricultural purposes.

Schedule

The Schedule to the Migratory Bird Sanctuary Regulations comprises the following twelve parts, each of which describes the respective bird sanctuaries listed therein. Copies of the Schedule may be obtained on application to the Canadian Wildlife Service, Department of Northern Affairs and National Resources, Ottawa.

PART I—NEWFOUNDLAND

St. Peter's Bay Bird Sanctuary

PART II—PRINCE EDWARD ISLAND

Black Pond Bird Sanctuary

PART III—NOVA SCOTIA

1. Amherst Bird Sanctuary
2. Big Glace Bay Lake Bird Sanctuary
3. Kentville Bird Sanctuary
4. Ken-Wo Country Club Bird Sanctuary
5. Port Joli Bird Sanctuary

PART IV—NEW BRUNSWICK

1. Aero Lake Bird Sanctuary
2. Bathurst Basin Bird Sanctuary
3. Catons Island Bird Sanctuary
4. Grand Manan Bird Sanctuary
5. Machias Seal Island Bird Sanctuary
6. Quoddy Bird Sanctuary

PART V—QUEBEC

1. Aylmer Road Bird Sanctuary
2. Betchouane Bird Sanctuary
3. Birch Islands Bird Sanctuary
4. Bird Rocks Bird Sanctuary

Migratory Birds Convention Act—continuedPART V—QUEBEC—*continued*

5. Bonaventure and Perce Rock Bird Sanctuary
6. Bradore Bay Bird Sanctuary
7. Carillon Island Bird Sanctuary
8. Carrousel Island Bird Sanctuary
9. Dautraie Bird Sanctuary
10. Dionne Farm 4H Bird Sanctuary
11. Dorval Island Bird Sanctuary
12. Fog Island Bird Sanctuary
13. Harrington Lake Bird Sanctuary
14. Ile-au-Heron Bird Sanctuary
15. Ile-aux-Tourtes Bird Sanctuary
16. Ile Cadieux Bird Sanctuary
17. Kent Bird Sanctuary
18. Kingsmere Bird Sanctuary
19. Knowlton Bird Sanctuary
20. The Levis Golf Club Bird Sanctuary
21. Marconi Station Bird Sanctuary
22. Mecatina Bird Sanctuary
23. Mille Isles Bird Sanctuary
24. The Mount Bruno Bird Sanctuary
25. Murray Bay Bird Sanctuary
26. Pine Lake Bird Sanctuary
27. The Quebec Golf Club Bird Sanctuary
28. Rosemere Bird Sanctuary
29. St. Andrews (Quebec) Bird Sanctuary
30. St. Augustin Bird Sanctuary
31. Ste. Marguerite Bird Sanctuary
32. St. Mary Islands Bird Sanctuary
33. Senneville Bird Sanctuary
34. South River Bird Sanctuary
35. Upnorth Bird Sanctuary
36. Watshishu Bird Sanctuary
37. Whitlock Bird Sanctuary
38. Wolf Bay Bird Sanctuary

PART VI—ONTARIO

1. Britannia Bay Bird Sanctuary
2. Experimental Farm Bird Sanctuary
3. Fielding Bird Sanctuary
4. Guelph Bird Sanctuary
5. St. Joseph's Island Bird Sanctuary

PART VII—SASKATCHEWAN

1. Basin and Middle Lake Bird Sanctuary
2. Duncairn Reservoir Bird Sanctuary
3. Indian Head Bird Sanctuary
4. Johnstone Lake Bird Sanctuary
5. Last Mountain Lake Bird Sanctuary
6. Lenore Lake Bird Sanctuary
7. Murray Lake Bird Sanctuary
8. Neely Lake Bird Sanctuary
9. Opuntia Lake Bird Sanctuary

Migratory Birds Convention Act—continued

PART VII—SASKATCHEWAN—continued

10. Redberry Lake Bird Sanctuary
11. Scent Grass Lake Bird Sanctuary
12. Sutherland Bird Sanctuary
13. Upper Rousay Lake Bird Sanctuary
14. Val Marie Reservoir Bird Sanctuary

PART VIII—ALBERTA

1. Henderson Park Bird Sanctuary
2. Inglewood Bird Sanctuary
3. Lethbridge Country Club Bird Sanctuary
4. Lost Lake Bird Sanctuary
5. Red Deer Bird Sanctuary
6. Richardson Lake Bird Sanctuary
7. Saskatoon Lake Bird Sanctuary

PART IX—BRITISH COLUMBIA

1. Esquimalt Bird Sanctuary
2. Nechako Bird Sanctuary
3. Shoal Harbour Bird Sanctuary
4. Vaseaux Lake Bird Sanctuary
5. Victoria Harbour Bird Sanctuary

PART X—NORTHWEST TERRITORIES

Akimiski Island Bird Sanctuary

PART XI—QUEBEC AND NORTHWEST TERRITORIES

Boatswain Bay Bird Sanctuary

PART XII—ONTARIO AND NORTHWEST TERRITORIES

Hannah Bay Bird Sanctuary

3. Bird Sanctuaries and Public Shooting Grounds. Further Orders in Council

By the Transfer of Natural Resources Agreements, the western provinces agreed to continue and preserve bird sanctuaries and public shooting grounds which had already been established upon public lands in these provinces. A list of the Orders in Council relating to these bird sanctuaries and public shooting grounds is set forth hereunder. Copies of any of these Orders may be obtained on application to the Canadian Wildlife Service, Department of Northern Affairs and National Resources, Ottawa.

(a) *Orders in Council establishing and amending descriptions of bird sanctuaries and discontinuing bird sanctuaries*

PROVINCE OF ALBERTA

<i>Order in Council</i>	<i>Date</i>	<i>Established the following bird sanctuaries</i>
P.C. 1334 as amended by P.C. 346 of 9th March, 1925 P.C. 2039 of 7th December, 1926	15th June, 1920	Many Islands Lake Bird Sanctuary Birch Lake Bird Sanctuary Pakowki Lake Bird Sanctuary Buffalo Lake Bird Sanctuary Miquelon Lake Bird Sanctuary Ministik Lake Bird Sanctuary Lac la Biche Bird Sanctuary

Migratory Birds Convention Act—continued

PROVINCE OF SASKATCHEWAN

Orders in Council establishing bird sanctuaries upon public lands in the Province of Saskatchewan and continued by agreement with the western provinces by the Transfer of Natural Resources Agreements have been cancelled by Orders in Council P.C. 5401 of the 26th of November, 1948 and P.C. 6592 of the 6th December, 1951.

(b) *Orders in Council establishing and amending descriptions of Public Shooting Grounds and discontinuing public Shooting Grounds*

PROVINCE OF ALBERTA

<i>Order in Council</i>	<i>Date</i>	<i>Remarks</i>
P.C. 356 as amended by P.C. 141 of 1st February, 1926 P.C. 3371 of 20th August, 1947 P.C. 1954-1324 of 8th September, 1954	9th March, 1925	Reserved as public shooting grounds: Grassy Island Lake, Sounding Lake, Gooseberry Lake, Baxter Lake, Kirkpatrick Lake, Dowling Lake, Wavy Lake, Whitford Lake, Little Fish Lake, Farrell Lake, Beaverhills Lake, Joseph and Oliver Lakes, Red Deer Lake, Bittern Lake, Big Hay Lake, Wizard Lake, Gull Lake, Sylvan Lake, Lloyd Lake, Wabamun Lake.

PROVINCE OF BRITISH COLUMBIA

<i>Order in Council</i>	<i>Date</i>	<i>Remarks</i>
P.C. 2264	28th November, 1929	Reserved as public shooting ground, Pitt Lake Public Shooting Grounds

PROVINCE OF MANITOBA

P.C. 567	17th March, 1919	Reserved the whole of Section 13, Township 14, Range 6, West of the Principal Meridian in the Province of Manitoba as a public shooting ground.
P.C. 1623	14th September, 1925	Reserved Pelican Lake as a public shooting ground.
P.C. 348 as amended by P.C. 1931 1869 2142 1646 224 279 824 1718 2307 747	9th March, 1925 28th October, 1925 19th November, 1926 28th November, 1928 18th August, 1927 10th February, 1928 20th February, 1928 16th May, 1928 19th September, 1928 22nd December, 1928 9th April, 1930	Reserved Lake Winnipeg (Netley Lake), Lake Manitoba (Lake Francis), Lake Manitoba (Landebay Bay), Lake Manitoba (Marchy Point), Whitewater Lake, Oak and Plum Lakes as public shooting grounds.

Migratory Birds Convention Act—concluded

PROVINCE OF SASKATCHEWAN

Orders in Council establishing public shooting grounds upon public lands in the Province of Saskatchewan and continued by agreement with the western provinces by the Transfer of Natural Resources Agreements have been cancelled by Orders in Council P.C. 4200 of the 30th August, 1950 and P.C. 3704 of the 18th July, 1951.

MILK TEST ACT. (R.S.C., 1952, c. 180)

Milk Test Regulations

P.C. 1953-264

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 26th day of February, 1953.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the Canada Dairy Products Act and the Meat and Canned Foods Act, is pleased to revoke and doth hereby revoke the following regulations:

1. The Dairy Industry Regulations established by Order in Council P.C. 5235 of 14th October, 1949, as amended; and
2. The Regulations governing the Inspection of Condensed, Evaporated and Dried Milk, established by Order in Council P.C. 5652 of 15th December, 1948.

His Excellency in Council, on the same recommendation and pursuant to the Milk Test Act, is pleased to make the annexed regulations entitled "The Milk Test Regulations", and they are hereby made and established, accordingly.

THE MILK TEST REGULATIONS

1. These regulations may be cited as *The Milk Test Regulations*.
2. In these regulations "Act" means the Milk Test Act.
3. The verification of glassware pursuant to the Act shall be undertaken by the Standards Division, Department of Trade and Commerce.
4. Every test bottle, pipette, and measuring glass used in connection with the testing of milk or cream, except skim-milk bottles, shall be forwarded, charges prepaid, to the Standards Laboratory, Department of Trade and Commerce, Ottawa, for verification.
5. Her Majesty in right of Canada shall not be liable for damage to such test bottles, pipettes or measuring glassware while in transit to or from the laboratory or during normal test procedure.

Milk Test Act—concluded

6. All glassware sent for verification shall be perfectly clean on both the inside and outside surfaces.

7. (1) The Director of Standards shall cause each bottle, pipette and measuring glass to be tested for accuracy, as provided by the Act and in accordance with the specifications and tolerances as set forth in the regulations respecting Babcock Test Bottles and Pipettes, made and established by Order in Council P.C. 2375 of 16th May, 1951, and if found accurate they shall be marked in accordance with the requirements of the aforesaid regulations.

(2) The mark shall be ineffaceably applied on each article and where any such glassware is found to be inaccurate the Director of Standards shall cause the same to be returned to the original manufacturer or may cause it to be destroyed without compensation to the owners thereof, as circumstances may justify and permit.

8. A fee of ten cents is payable for the verification of each test bottle, pipette and measuring glass; and such fee shall be forwarded to the Director of Standards, Department of Trade and Commerce, Ottawa, with each consignment of glassware to be verified.

9. Packages containing glassware for verification shall be plainly addressed to the Standards Laboratory, Department of Trade and Commerce, Ottawa, and shall bear the sender's name and post office address.

10. Any person who violates any of the provisions of the Act or these regulations is liable on summary conviction thereof to a fine not exceeding fifty dollars for each offence.

**MUNICIPAL IMPROVEMENTS ASSISTANCE ACT.
(R.S.C., 1952, c. 183)**

Municipal Improvements Assistance Regulations

P.C. 1954-1722

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the Municipal Improvements Assistance Act, is pleased to order as follows:

1. The Regulations established under the Municipal Improvements Assistance Act, 1938, by Order in Council P.C. 3014 of 29th November, 1938, are hereby revoked; and

2. The annexed "Regulations relating to the Municipal Improvements Assistance Act" are hereby made and established in substitution for the regulations hereby revoked.

Municipal Improvements Assistance Act—continued

REGULATIONS RELATING TO THE MUNICIPAL IMPROVEMENTS ASSISTANCE ACT

1. These regulations may be cited as the *Municipal Improvements Assistance Regulations*.

2. In these regulations,

- (a) “Act” means the *Municipal Improvements Assistance Act*;
- (b) “loan” means a loan that was made under the Act;
- (c) “municipality” means a municipality to which a loan was made under the Act; and
- (d) “Provincial Government” means the government of the province in which a municipality is situated.

3. Interest at the rate of two per cent per annum on a loan is payable semi-annually on the 30th day of June and the 31st day of December; and the principal amount of the loan with interest thereon at the rate of two per cent per annum payable half-yearly shall be amortized by equal semi-annual instalments (each of which shall include interest on and amortization of the loan) payable on the 30th day of June and the 31st day of December in each year.

4. A loan shall be secured by a debenture of the municipality in Form A.

5. Where a municipality has granted to a Provincial Government

- (a) a first charge or lien upon all revenues derived from the project which was constructed, extended, improved or renewed out of the proceeds of a loan, or
- (b) a first mortgage, hypothec or charge upon the project which was constructed, extended, improved or renewed out of the proceeds of a loan,

any such charge or lien and any such mortgage, hypothec or charge shall be assigned to the Minister at any time at his request and in any event shall be assigned to the Minister where the Provincial Government fails in whole or in part to implement its guarantee of the payments for interest on and amortization of the loan.

6. Where a municipality has debentures outstanding containing a first charge or lien upon the revenues to be derived from the project which was constructed, extended, improved or renewed out of the proceeds of a loan and if the debentures delivered to the Minister rank *pari passu* with the debentures outstanding it shall not be necessary for any such municipality to comply with section 5.

Municipal Improvements Assistance Act—concluded

Form A

FORM OF DEBENTURE

CANADA

PROVINCE OF

The _____ for
value received hereby promises to pay to the Minister of Finance of Canada
or his assigns at the principal office of the Bank of _____
in the City of Ottawa, the sum of _____ dollars (\$ _____)
in lawful money of Canada with interest thereon at the rate of two per
centum per annum payable half-yearly as specified in and upon surrender
of the coupons attached hereto.

Dated this _____ day of _____ 19 ____ .
Countersigned:
.....
.....
(L.S.)

FORM OF COUPONS

Coupon No. _____ Debenture No. _____
The _____
will pay to the Minister of Finance of Canada or his assigns at the principal
office of the Bank of _____ in the City of Ottawa,
Ontario, on the _____ day of _____ 19.., the
sum of _____ dollars (\$.....) being the instalment
of principal and interest due on that date on Debenture No.
.....
.....

NATIONAL BATTLEFIELDS AT QUEBEC ACT.
(S.C., 1908, c. 57)

By-law *re* the National Battlefields Park

P.C. 1954-2068

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 31st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Prime Minister and pursuant to section 4 of the National Battlefields at Quebec Act, 1914, is pleased to confirm the annexed By-law of the National Battlefields Commission respecting the National Battlefields Park, the said By-law having been revised and consolidated by the Commission at a special general meeting held for the purpose on December 24, 1954, and it is hereby confirmed, accordingly.

THE NATIONAL BATTLEFIELDS COMMISSION

BY-LAW OF THE NATIONAL BATTLEFIELDS COMMISSION RESPECTING
THE NATIONAL BATTLEFIELDS PARK

WHEREAS the National Battlefields at Quebec Act, 1914, authorizes the National Battlefields Commission to make by-laws, *inter alia*, for the direction, conduct and management of the Commission and its property, real and personal, for the maintenance, preservation and protection of the lands, works and other property belonging to the Commission under its jurisdiction, control or care, and the access of the public thereto and for the prevention of injury to or encroachments upon the property of the Commission;

AND WHEREAS it was provided in the said Act that such by-laws should not take effect until confirmed by the Governor in Council and published in the *Canada Gazette*.

AND WHEREAS it is desirable to amend and consolidate the by-law respecting the National Battlefields Park;

BE IT THEREFORE ENACTED by the National Battlefields Commission pursuant to said Act as follows:

1. This by-law may be cited as:

BY-LAW RESPECTING THE NATIONAL BATTLEFIELDS PARK.

2. In this by-law, "National Battlefields Park" means the land owned or held by the National Battlefields Commission.

3. No person shall,

- (a) deface, damage, or displace any object;
- (b) walk on any grass;
- (c) lie down on the grass or on any path or bench;
- (d) pollute the waters;

National Battlefields at Quebec Act—continued

- (e) play any games or carry out any exercises except in such parts thereof as are designated to be used for such purposes and under such conditions as the Superintendent may direct;
- (f) play any game of chance or have in his possession anything used for that purpose;
- (g) make speeches, organize, set in motion or hold any parade, procession or military exercises or play any musical instrument without the permission of the Superintendent;
- (h) climb trees or fences or stand on benches;
- (i) molest or injure birds;
- (j) sell or offer for sale newspapers or merchandise or solicit in any manner whatsoever;
- (k) bring into the park or have in his possession any alcoholic or intoxicating liquor;
- (l) post up any placard, flag, banner, advertisement or notice except under the authority of the Superintendent;
- (m) wear any mask or disguise;
- (n) be indecently clad or clad only in a bathing suit;
- (o) throw stones or other missiles;
- (p) sing, shout, fight, cause disturbance or carry offensive weapons or firearms;
- (q) set off fireworks without the permission of the Superintendent in writing;
- (r) throw or deposit any carcass or other dirty or foul smelling object, snow, ashes or garbage;
- (s) throw or deposit any paper, glass or other refuse except in the receptacles provided for such purpose;
- (t) start or maintain a fire;
- (u) write on or mark any building, fence, stake, stone or other appurtenance.

4. (1) No person shall permit any dog owned by him or in his possession to run at large.

(2) No person shall permit any cow, bull, horse, swine, sheep or other grazing animal owned by him or in his possession to roam or graze.

(3) A constable who finds a dog running at large or other animal roaming or grazing in contravention of this by-law may impound the dog or animal at the expense of the owner.

5. (1) The Superintendent may mark or erect or cause to be marked or erected traffic signs or devices,

- (a) regulating or prohibiting parking and designating parking areas;
- (b) prohibiting or regulating the use of any highway by any vehicle or class of vehicles;
- (c) designating any highway as a one-way highway;
- (d) for stopping vehicles; and
- (e) for directing or controlling traffic in any other manner.

(2) Except as authorized by subsection (1), no person shall mark or erect any traffic sign or device.

National Battlefields at Quebec Act—concluded

(3) No person shall without the authority of the Superintendent remove or deface any traffic sign or device.

6. Any traffic sign or device purporting to have been erected by or under the authority of the Superintendent shall *prima facie* be deemed to have been erected pursuant to this by-law.

7. The driver of a horse or vehicle on a highway shall obey the instructions of any traffic sign or device applicable to that driver, horse or vehicle or highway.

8. Every person must comply with any traffic directions or other orders given to him by the Superintendent, a constable or a guardian of the Park.

9. (1) No person shall drive an animal or vehicle except upon highways designated for that purpose.

(2) No person shall,

(a) hold or take part in horse races;

(b) drive a horse or other animal at an excessive rate of speed;

(c) drive a vehicle at a rate of speed in excess of fifteen miles per hour;

(d) drive a motorcycle;

(e) drive a vehicle intended for the transportation of merchandise except

(i) for the delivery of merchandise to buildings in the park by the shortest route; or

(ii) in accordance with the instructions of a constable;

(f) drive a vehicle designed to carry more than seven persons including the operator unless such vehicle is provided with pneumatic tires;

(g) drive a vehicle designed to carry more than seven persons including the operator at a rate of speed in excess of ten miles per hour.

10. The Superintendent may at any time prohibit and interrupt the operation of vehicles on any highway.

11. No person shall park a vehicle on any highway or allow a vehicle to remain parked on any highway between the hours of one o'clock and six o'clock in the morning on any day between the first of November in any year and the first day of May in the year immediately following.

12. The glare of the lights in front of any vehicle must be so replaced, directed, obstructed or reduced in strength as not to dazzle or blind.

13. A constable is authorized to remove or cause to be removed at the expense of the owner any vehicle parked in a prohibited area or in contravention of this by-law or of any sign erected pursuant to this by-law.

14. (1) No person shall operate a vehicle on a highway otherwise than in accordance with the laws of the province of Quebec and of the City of Quebec.

(2) In this section the expression "laws of the province of Quebec and the City of Quebec" does not include laws that are inconsistent with or repugnant to this by-law.

15. The By-law of the Commission dated on the 19th day of October, 1914, and all amendments thereto are repealed.

16. This by-law shall come into force upon confirmation by the Governor in Council and publication in the *Canada Gazette*.

NATIONAL DEFENCE ACT. (R.S.C., 1952, c. 184)

	Page
1. <i>Estates regulations 1947</i>	2234
2. <i>Defence Research Board employees, compensation for injuries and death</i>	2236
3. <i>Dental treatment by civilian practitioners</i>	2237
4. <i>Reserve Forces training leave regulations</i>	2238
5. <i>Defence establishment trespass regulations</i>	2240
6. <i>Medical care of civilians</i>	2245
7. <i>Dental treatment for civilians</i>	2246
8. <i>Court Martial Appeal Board, rules of appeal procedure</i>	2247

1. Estates Regulations 1947

P.C. 5156

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 16th day of December, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, and pursuant to the authority conferred by section 7 of the Department of National Defence Act, is pleased to make the annexed regulations for the administration and distribution of Naval, Military and Air Force estates, and they are hereby made and established, to come into force and effect as of and from the 15th day of December, 1947.

Regulations for the Administration and Distribution of Naval, Military and Air Force Estates

1. These Regulations may be cited as *Estates Regulations 1947*.
2. In these Regulations, unless the context otherwise requires:—
 - (a) “Minister means the Minister of National Defence.
 - (b) “Director of Estates” means the person appointed by the Minister of National Defence, under these regulations, to administer the service estates of members of the Naval, Military or Air Forces of Canada, who die during their service as such members.
 - (c) “member” means any person serving in the Naval, Military or Air Forces of Canada.
 - (d) “service estate” means that part of the personal estate of a deceased member of the Naval, Military or Air Forces of Canada, which consists of balance of pay and allowances and all other emoluments emanating from the Crown which at the date of death are due or otherwise payable, and effects issued by the Crown which, under the regulations applicable to a member of any of the said Forces, he is permitted to retain, and all personal belongings found on the deceased and in camp, quarters or otherwise in

National Defence Act—continued

the care or custody of the Naval, Military or Air Force authorities concerned, including cash on hand and personal articles and effects.

- (e) "deceased member" includes any member who has been officially reported as dead or presumed dead in accordance with the appropriate service regulations from time to time in force.

3. These regulations shall apply in respect of a member notwithstanding anything to the contrary in the provisions of any regulation or order relating to the Force in which such member was serving at the date of his death.

4. The Minister shall appoint a Director of Estates who shall be a barrister of at least ten years standing and who shall be directly responsible to the Deputy Minister of National Defence. Such officers, clerks and employees as are necessary for the administration of the service estates of the deceased members may be appointed in the manner authorized by law.

5. The service estate of a deceased member shall be subject to service debts which are a first charge or lien against the said estate and shall be payable by the Director of Estates as preferential charges to the exclusion of all other debts and liabilities, in the following order:

- (a) quarters;
- (b) mess, canteen, band and other service accounts;
- (c) service clothing, appointments and equipment purchased by the deceased member not exceeding a sum equal to six months pay of the deceased and having become due within eighteen months before his death.

6. The decision of the Minister shall be final and binding in all cases where a question arises in relation to the payment or disposition of any preferential charge.

7. The Director of Estates may administer the service estates of deceased members, and

- (a) where an executor or an administrator has been appointed by a court of competent jurisdiction, the Director of Estates may cause to be delivered over to such executor or administrator for distribution, the net assets of the said service estate in his possession.
- (b) where no executor or administrator has been named by a court of competent jurisdiction, the Director of Estates may cause to be distributed the net assets of the said estate in accordance with the law applicable in each case to the distribution of personal estates.
- (c) where, under sub-paragraph (b) hereof, no distribution or only a partial distribution of any service estate can be made in accordance with such laws, the Director of Estates shall convert the net assets, or such balance thereof, into cash and pay the same to the Receiver General of Canada, to be deposited by him in a special Trust Account or Accounts as designated by the Comptroller of the Treasury pending final distribution to the person or persons entitled thereto.

National Defence Act—continued

8. No person shall have, as a matter of right, any claim against the service estate of a deceased member.

9. The Director of Estates shall, in the exercise of his powers, duties and functions under these regulations, to the exclusion of all other authorities and persons whomsoever have the same rights and powers in respect of the service estate of a deceased member as if he had been appointed an executor or administrator of said estate by a court of competent jurisdiction.

10. Compliance with these regulations with respect to the administration of a service estate shall discharge the Minister, the Director of Estates or any other person complying therewith from all liability by reason of any assets in his hands having been paid, transmitted or remitted or otherwise dealt with in accordance herewith.

11. The Minister shall prescribe the procedure to be adopted and issue such direction as may be necessary for the due administration of service estates, to give effect to these regulations and to carry out the spirit and intent thereof.

**2. Regulations relating to Compensation for Injuries and Death
to Defence Research Board Employees**

P.C. 3887

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 31st day of August, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and pursuant to the provisions of section 8 of the Department of National Defence Act, chapter 136 of the Revised Statutes of Canada, 1927, as amended, is pleased to make the following regulation, and it is hereby made and established accordingly:

REGULATION

1. Any person employed in the work of the Defence Research Board who is assigned to duties designated by the Treasury Board on the recommendation of the Chairman of the Defence Research Board as duties involving risks which by their nature or the circumstances in which they are performed are not insurable as such and who dies, is injured, or suffers illness or disability or aggravation thereof as a direct result of such duties, may be paid compensation in the same manner and to the same extent as provided for in the Pension Act, chapter 157 of the Revised Statutes of Canada 1927, as amended, in accordance with the rates set forth in Schedules "A" and "B" of that Act, according to the salary ranges set opposite the military ranks shown hereunder; provided, however, that such compensation shall not be paid for any death or injury in respect of which provision for payment of compensation, or a gratuity or pension is made

National Defence Act—continued

by any other Act or regulation, unless the claimant elects to accept the compensation provided by this regulation instead of the compensation, gratuity or pension under any such other Act or regulation, and provided further that where any insurance monies are payable to such person in respect of such death or injury, the amount of compensation otherwise payable under this regulation shall be reduced in the proportion of the present value of such insurance monies to the present value of the compensation which would otherwise be payable:

Salary Range	Military Rank
\$3,750 or less	Captain
\$3,751 to \$5,000	Major
\$5,000 to \$6,500	Lt.-Colonel
\$6,501 to \$8,000	Colonel
\$8,001 or over	Brigadier

2. All claims for pensions, allowances and compensation under this regulation shall be dealt with and adjudicated upon in a like manner as claims under the Pension Act and all the provisions of the Pension Act not inconsistent with this regulation shall, with such modifications as circumstances may require, apply to this regulation.

3. The Defence Research Board may provide for and pay the cost of examination, treatment and hospitalization of any such person in respect of such injury, illness or disability, and may, if such person is not in receipt of salary, pay allowances during hospital or out-patient treatment in an amount which when added to the pension award in force plus any insurance monies payable, if any, will equal pension payable for 100 per cent disability, less while an in-patient, the sum of \$15.00 a month.

3. Dental treatment by civilian practitioners

P.C. 355

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 23rd day of January, 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and pursuant to the National Defence Act, is pleased to order as follows:

1. Order in Council P.C. 69/4055 of 10th September, 1948, regulating the conditions under which dental treatment may be given by civilian practitioners to personnel of the Canadian Forces, is hereby revoked, effective January 15, 1952; and

2. The annexed "Regulations respecting dental treatment by Civilian Practitioners for personnel of the Canadian Forces", are hereby made and established, effective January 15, 1952, in substitution for the Order hereby revoked.

National Defence Act—continued**REGULATIONS RESPECTING DENTAL TREATMENT BY CIVILIAN PRACTITIONERS
FOR PERSONNEL OF THE CANADIAN FORCES**

1. Dental treatment for personnel of the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force by a civilian dental practitioner selected by the Command Dental Officer of the Royal Canadian Dental Corps in the region concerned, may be given:

- (a) where a Royal Canadian Dental Corps clinic is not available; or
- (b) where Royal Canadian Dental Corps personnel lack the specialized equipment or facilities or are otherwise unable to render the required treatment;

but such treatment shall not be commenced by a practitioner without prior authorization of the Command Dental Officer.

2. Treatment shall be sufficient to establish and maintain dental fitness and to provide reasonable assurance of masticatory efficiency and freedom from pain for a period of twelve months.

3. Notwithstanding section one, where Royal Canadian Dental Corps facilities are not available, civilian dental practitioners may undertake treatment, without prior authorization, in the following emergencies only:

- (a) the relief of pain or acute infection; or
- (b) the repair of broken dentures;

but the reconstruction or alteration of any dental appliance is not permitted without prior authorization.

4. The Minister of National Defence may prescribe the procedure to be followed and the forms to be used in arranging and making payment for treatment given under the authority of these regulations.

5. Civilian dental practitioners who treat personnel of the Canadian Forces under the authority of these regulations shall be paid in accordance with the scale of fees authorized from time to time for that type of dental treatment when made in respect of persons under the care of the Department of Veterans Affairs.

4. Reserve Forces Training Leave Regulations

P.C. 1954-1902

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General, by and with the advice of the Queen's Privy Council for Canada, is pleased to order as follows:

1. The Reserve Forces Training Leave Regulations, established by Order in Council P.C. 609 of 7th February, 1951, as amended, are hereby revoked; and

2. The annexed "Reserve Forces Training Leave Regulations" are hereby made and established in substitution for the Regulations hereby revoked.

National Defence Act—continued

RESERVE FORCES TRAINING LEAVE REGULATIONS

1. These regulations may be cited as the *Reserve Forces Training Leave Regulations*.

2. In these regulations,

- (a) "Act" means the National Defence Act; and
- (b) "Reserves" means those components of the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force referred to in the Act as reserve forces.

3. Any person employed in the Public Service of Canada may be granted leave of absence

- (a) during the period that, as a member of the Reserves, he is required to be absent from his civil position while
 - (i) taking annual training,
 - (ii) attending essential service parades,
 - (iii) on duty necessitated by the declaration of a disaster pursuant to section 35 of the Act,
 - (iv) on duty with his unit to combat a local emergency such as flood or fire when a disaster has not been declared,
 - (v) on duty or reserve training when called out or ordered for duty or training pursuant to section 34 of the Act,
 - (vi) taking a prescribed course for the purpose of qualifying for a higher rank;
- (b) during the period that he is required to be absent from his civil position while serving as an officer or instructor in any of the authorized cadet organizations of Canada, for the purposes set forth in subparagraphs (i), (ii) and (vi) of paragraph (a); and
- (c) during the period that he is attending as a delegate meetings of service associations or the Conference of Defence Associations.

4. (1) Subject to the provisions of subsection (2), every person granted leave pursuant to subparagraph (i), (ii), (iii) or (iv) of paragraph (a) of section 3, or paragraph (b) or (c) of section 3, shall be paid one rate of pay only, either civil pay, or Naval, Army or Air Force pay and allowances appropriate to his military rank and status.

(2) Nothing herein contained shall preclude an employee from receiving Naval, Army or Air Force pay in addition to his civil pay for any period of service performed pursuant to these regulations while he is on annual or vacation leave.

5. Leave to be granted pursuant to subparagraph (v) or (vi) of paragraph (a) of section 3 shall be subject to the approval of the deputy head of the department of government or the officer in charge of the branch of the public service in which the applicant for such leave is employed and, when granted, shall be without pay.

6. Where an employee elects to be paid civil pay for service performed other than during annual or vacation leave, a certificate in the form provided for the purpose shall be completed and distributed as indicated thereon.

National Defence Act—continued

7. Any person who is injured or is incapacitated because of illness while on leave of absence pursuant to these regulations shall not, except as provided by subsection (2) of section 4, be paid civil pay in addition to the pay and allowances provided for the period of hospitalization and incapacitation in regulations made by the Governor in Council under the Act; Provided that if such person is granted sick leave with pay pursuant to the Civil Service Regulations or other such regulations as may be applicable, he may be paid such part of his civil pay as, when added to the said pay and allowances, will equal the amount of his civil pay.

8. (1) Leave of absence granted under these regulations to a permanent employee shall not affect the seniority of such employee, nor shall it affect or defer the effective date of any increase in compensation for which such employee may be eligible.

(2) Leave of absence granted under these regulations to a temporary employee shall not affect the seniority of such employee nor preclude his permanent appointment being made as of the date upon which he may be eligible for permanent appointment, nor shall it affect or defer the effective date of any increase in compensation for which such employee may be eligible.

9. These regulations do not apply to personnel placed on Active Service pursuant to section 32 of the Act.

5. Defence Establishment Trespass Regulations

P.C. 1954-1978

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 16th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and pursuant to the National Defence Act, is pleased to order as follows:

1. The Defence Establishment Trespass Regulations, established by Order in Council P.C. 1657 of 21st March, 1952, as amended, are hereby revoked; and

2. The annexed "Defence Establishment Trespass Regulations" are hereby made and established in substitution for the regulations hereby revoked.

DEFENCE ESTABLISHMENT TRESPASS REGULATIONS*Short Title*

1. These regulations may be cited as the *Defence Establishment Trespass Regulations*.

National Defence Act—continued

Interpretation

2. In these regulations,

- (a) "defence establishment" means any area or structure under the control of the Minister of National Defence, and the materiel and other things situate in or on any such area or structure;
- (b) "issuing authority" means a person authorized pursuant to these regulations to issue a pass;
- (c) "livestock" includes horses, cattle, sheep, goats, swine, mules, donkeys and poultry;
- (d) "materiel" means all movable public property, other than money, provided for the Canadian Forces or the Defence Research Board or any other purpose, under the National Defence Act, and includes any vessel, vehicle, aircraft, animal, missile, arms, ammunition, clothing, stores, provisions or equipment so provided;
- (e) "pass" means a written authorization or permit issued by an issuing authority permitting the person named therein to enter upon or into a defence establishment; and
- (f) "security guard" means any peace officer, security policeman, provost, military policeman, or member of the Corps of Commissioners, and includes any officer or man of the Canadian Forces or employee of the Department of National Defence or of the Defence Research Board who has been assigned duties relating to the enforcement of these regulations.

Application

3. These regulations do not apply to any person who is subject to the Code of Service Discipline, but apply to all other persons except as provided in section 29.

PART I—ACCESS TO DEFENCE ESTABLISHMENTS

4. (1) Every person to whom these regulations apply is prohibited from entering any defence establishment, except in the manner prescribed herein and in compliance with the provisions hereof.

(2) Every person seeking to enter a defence establishment shall apply for and obtain a pass from an issuing authority.

5. The following persons, and no others, are authorized to issue passes under these regulations:

- (a) to a defence establishment, the officer in command or person in charge of it, or such person or persons as he may designate in writing; and
- (b) to such defence establishments as are designated in the pass issued, any officer or any person appointed for the purpose by the Minister of National Defence, the Chief of the Naval Staff, the Chief of the General Staff, the Chief of the Air Staff, or the Chairman of the Defence Research Board.

6. The granting of a pass to any person shall be in the absolute discretion of the issuing authority who may without stated reasons withhold, delay or refuse the issue of a pass and may revoke any pass which has been issued.

National Defence Act—continued

7. A pass shall be valid for only the person named therein and for the purpose and period of time stated therein and shall not be transferable.

8. Every person to whom a pass has been issued may enter the defence establishment and shall

- (a) except as provided in paragraph (f), keep the pass in his possession while remaining in or on the defence establishment;
- (b) enter the defence establishment by way only of the established main entrance or such other way as may be authorized in writing by the officer in command or person in charge of the defence establishment;
- (c) leave the defence establishment by the way entry was gained or by such other exit as may be authorized by the officer in command or person in charge of the defence establishment;
- (d) while remaining in or on the defence establishment, comply with every direction given by or under the authority of the issuing authority, which shall be deemed to include every written or printed direction contained in the pass, and any written or printed notice, direction, order or regulation displayed in, on or about or pertaining to the defence establishment;
- (e) while remaining in or on the defence establishment, upon the request of any security guard, and as often as may be required, produce the pass;
- (f) while in or on the defence establishment, upon the request of any security guard, surrender the pass to the security guard and forthwith leave the defence establishment;
- (g) upon expiration or revocation of the pass, however it may expire or be revoked, surrender the pass to the issuing authority;
- (h) forthwith upon the order of any security guard leave the defence establishment; and
- (i) when entering, while remaining in or on, or when leaving a defence establishment, submit to search by a security guard of his person or of any package, parcel, vehicle or thing in his possession, but no female person shall be searched except by a female.

9. Every person found in or on a defence establishment in contravention of these regulations may be removed therefrom by a security guard but such removal shall be without prejudice to any other proceedings that may be taken.

10. Every person in or on a defence establishment shall, upon the request of a security guard, furnish his true name and address.

11. Every person who has obtained a pass shall be deemed to have read and understood it and to have agreed to abide by such terms and conditions as may be written or printed on the pass or endorsed thereon.

PART II—LIVESTOCK

12. (1) Every person who is the owner of livestock shall ensure that none of his livestock enters into, strays upon, or is driven upon a defence establishment.

(2) In the event of any livestock entering, breaking into, straying upon or being driven into or found in or upon a defence establishment, such

National Defence Act—continued

livestock may be impounded by a security guard in any pound, and the pound-keeper thereof shall detain it in like manner and subject to like regulations as to the care and disposal thereof as in the case of livestock impounded for trespass on private property.

13. For the purposes of these regulations an issuing authority may designate any convenient place or structure as a pound and may authorize any person to act as a pound-keeper.

14. (1) When livestock is impounded pursuant to these regulations, the officer in command or person in charge of the defence establishment shall, immediately after the impounding thereof, cause to be posted in the nearest post office and in such other public places as he may designate, a notice describing the livestock impounded, and stating, as regards each animal the age, as near as it is possible to do so, and also the sex, colour and brand or other marks of identification.

(2) A copy of such notice shall be mailed to any person believed to be the owner of such livestock.

15. (1) When impounded livestock is not claimed within ten days after publication of the notice referred to in section 14, the officer in command or person in charge of the defence establishment shall give not less than ten days' notice that he proposes to sell such livestock at public auction.

(2) Copies of such notice of sale shall be posted in the nearest post office and in such other places as may be designated by the officer in command or person in charge of the defence establishment.

16. (1) After the expiration of ten days from the posting of such notice, the impounded livestock may be sold at public auction.

(2) The proceeds of such sale, after deduction therefrom of such sum as is chargeable in respect of fees and costs under section 17, may be paid by the officer in command or person in charge of the defence establishment to the former owner of the livestock, upon such owner furnishing the officer in command or person in charge of the defence establishment with satisfactory evidence establishing that he was the owner of the livestock sold.

(3) Where satisfactory evidence of ownership is not furnished in accordance with subsection (2) within one month of the date of the sale of any livestock, the proceeds of such sale, after deduction of fees and costs chargeable under section 17, shall be remitted to the Receiver General of Canada.

(4) If not claimed by the former owner of the impounded livestock within two years after the date of the sale, any sums so remitted shall form part of the Consolidated Revenue Fund.

17. The following are the fees and charges authorized in respect of impoundment and sale under these regulations:

(a) for the care and maintenance of:

One horse, mule or donkey, per day	\$1.00
Each additional horse, mule or donkey, per day....	.50
One head of cattle, per day .....	.60
Each additional head of cattle, per day .....	.30
One pig, sheep or goat, per day .....	.40
Each additional pig, sheep or goat, per day .....	.20
Poultry, each, per day .....	.10

National Defence Act—continued

- (b) for each copy of notice published in accordance with section 1425
- (c) for each copy of notice of sale published in accordance with section 1525
- (d) for selling impounded animals and applying the proceeds as directed by these regulations, a commission of ten per cent of the amount realized on the sale;
- (e) in addition to the foregoing, the actual costs incurred in capturing, impounding and transporting livestock, in the printing and publishing of notices, and in the conduct of any sale pursuant to these regulations.

18. Notwithstanding the provisions of sections 12 to 17 inclusive, the officer in command or person in charge of a defence establishment may order the destruction of any livestock found within the defence establishment in contravention of these regulations, if such livestock is found to be suffering from an infectious or contagious disease, and the owner of such livestock shall be liable for the costs of such destruction, and such destruction and liability shall be without prejudice to any other proceedings that may be taken.

PART III—MISCELLANEOUS

19. No person shall break down, injure, weaken or destroy any gate, fence, erection, building or structure in or on a defence establishment.

20. No person shall remove, obliterate, deface or destroy any printed or written sign, notice, direction, order or regulation which is posted, attached or affixed to or upon any fence, post, gate, building, structure, erection or materiel on or forming part of a defence establishment.

21. No person shall cause or participate in any disturbance while in or on a defence establishment.

22. No person shall be in an intoxicated condition in or on a defence establishment.

23. No person shall, without the previous consent of the officer in command or person in charge of any defence establishment, convey or cause to be conveyed intoxicating liquor into, within or from the defence establishment.

24. No person shall, without the permission of the officer in command or person in charge of a defence establishment, attach or affix any thing to or upon any fence, post, gate, building, structure, erection or materiel on or forming part of such defence establishment.

25. No person shall have any claim for injury or damage suffered by him as a result of such person or his property being in or on a defence establishment in contravention of these regulations.

26. (1) An issuing authority, a senior officer in chief command of the Royal Canadian Navy, an officer commanding a command or an area commander of the Canadian Army, or an Air Officer commanding or a group commander of the Royal Canadian Air Force, may prohibit any person from

- (a) taking, making, publishing or being in possession of any photograph, sketch or plan of a defence establishment; or

National Defence Act—continued

(b) bringing any photographic equipment into any defence establishment.

(2) The contravention of any order made under subsection (1) shall be deemed to be a contravention of these regulations.

27. No person shall loiter in the vicinity of a defence establishment, and any person so loitering shall, when required to do so by a security guard, forthwith depart from such vicinity.

28. (1) Every security guard is authorized to arrest without warrant any person found committing any criminal offence or infraction of these regulations on or with respect to any defence establishment or whom on reasonable and probable ground he believes to have committed such offence, or such infraction.

(2) Where the use of force is necessary to effect an arrest, a security guard shall use no more force than is necessary in the circumstances.

29. Notwithstanding anything contained in these regulations, the officer in command or person in charge of a defence establishment may in respect of such establishment, in his sole discretion, and from time to time, exempt any person from the application of these regulations, but such exemption shall be in writing and shall be for such period, not exceeding three months, as may be specified therein.

30. The Minister of National Defence may from time to time declare that these regulations, or any part of them, shall not apply to any defence establishment or to any part of any defence establishment.

PART IV—PENALTIES FOR CONTRAVENTION

31. Every person who contravenes any of these regulations is liable on summary conviction to the penalties provided by section 231 of the National Defence Act.

6. Regulations *re* medical care of civilians

P.C. 1954-2065

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 31st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and pursuant to the National Defence Act, is pleased to order as follows:

1. Order in Council P.C. 135/3859 of 30th May, 1945, relating to medical treatment extended to civilians by medical officers of the Armed Services, is hereby revoked; and

2. The annexed "Regulations relating to the medical care of civilians by the Medical Services of the Canadian Forces" are hereby made and established in substitution for the Order in Council hereby revoked.

National Defence Act—continuedREGULATIONS RELATING TO THE MEDICAL CARE OF CIVILIANS BY THE
MEDICAL SERVICES OF THE CANADIAN FORCES

1. Medical care, including hospital care, medicines and necessary Service transportation, may be extended to civilians by the Medical Services of the Canadian Forces, only

- (a) in an emergency,
- (b) where no civilian medical facilities exist, or
- (c) at the request of an appropriate civilian medical authority, where it is considered necessary to supplement civilian medical services.

2. The discretion of the Medical Officer concerned shall be exercised in such cases to ensure that services undertaken in any of these circumstances will not interfere with the proper medical care of Service personnel under his charge.

3. Civilian out-patients shall be charged for such services at the full rate authorized from time to time by the Schedule of Fees of the Department of Veteran's Affairs.

4. Civilian in-patients shall be charged for such services two-thirds of the all inclusive per diem rate fixed from time to time by the Department of Veteran's Affairs for hospitalization and medical treatment of members of the Canadian Forces.

7. Regulations *re* dental treatment for civilians

P.C. 1954-2066

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 31st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General Council, on the recommendation of the Minister of National Defence and pursuant to the National Defence Act, is pleased to order as follows:

1. The Regulations respecting dental treatment to civilians by dental officers of the Royal Canadian Dental Corps, established by Order in Council P.C. 6850 of 19th December, 1951, are hereby revoked; and

2. The annexed "Regulations respecting dental treatment to civilians by Dental Officers of the Royal Canadian Dental Corps", are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING DENTAL TREATMENT FOR CIVILIANS BY THE
ROYAL CANADIAN DENTAL CORPS

1. (1) Dental treatment to civilians may be provided by dental officers of the Royal Canadian Dental Corps

- (a) in an emergency, i.e. for the relief of pain or for the repair of broken dentures, where civilian dental facilities are not available;

National Defence Act—continued

- (b) in isolated areas where no civilian dental facilities exist; or
- (c) at the request of an approved civilian dental authority, where it is considered necessary to supplement civilian services.

(2) The dental officer will ensure that such services do not interfere with the dental care of service personnel.

2. The Minister of National Defence may prescribe the procedure to be followed and the forms to be used in arranging and making payment for treatment given under the authority of these regulations.

3. Civilian patients treated pursuant to these regulations shall be charged in accordance with the scale of fees authorized from time to time for that type of dental treatment when made in respect of persons under the care of the Department of Veterans Affairs; all monies collected pursuant to these regulations shall be deposited to the credit of the Receiver General of Canada.

8. Court Martial Appeal Board, Rules of Appeal Procedure

P.C. 1954-2067

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 31st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National Defence and pursuant to section 195 of the National Defence Act, is pleased to order as follows:

1. The Rules of Appeal Procedure of the Court Martial Appeal Board, established by Order in Council P.C. 1728 of 11th April, 1951, as amended, are hereby revoked; and

2. The annexed "Court Martial Appeal Board, Rules of Appeal Procedure" made by the Chairman of the Court Martial Appeal Board on December 8, 1954, are hereby approved and established in substitution for the Rules hereby revoked.

COURT MARTIAL APPEAL BOARD

RULES OF APPEAL PROCEDURE

Interpretation

1. These rules may be cited as the *Rules of Appeal Procedure*.

2. Section 2 of the National Defence Act, and except in so far as may be inconsistent with that section, the Interpretation Act, and amendments thereto, and the interpretation sections of the Criminal Code, and amendments thereto, shall apply to these rules.

3. In these rules,

- (a) "Act" means the National Defence Act;
- (b) "Board" means the Court Martial Appeal Board;

National Defence Act—continued

- (c) "Chairman" means the Chairman of the Board;
- (d) "presiding member" means a member of the Board appointed by the Chairman to preside at any sittings of the Board in his place; and
- (e) "Registrar" means the Registrar of the Board.

Preliminary action respecting appeals

4. (1) Where an appeal, other than an appeal that is referred to the Board for summary determination under section 194A of the Act, is to be referred by the Judge Advocate General to the Board, the Judge Advocate General shall forward to the Registrar

- (a) the statement of appeal,
- (b) the original Minutes of the proceedings of the court martial in respect of which the appeal is taken and five copies thereof,
- (c) all other documents and records relevant to the appeal that were produced at the court martial, and
- (d) all other documents, records and exhibits required by the Chairman or presiding member.

(2) Where an appeal is to be referred by the Judge Advocate General to the Board for summary determination under section 194A of the Act, the Judge Advocate General shall forward to the Registrar

- (a) the documents mentioned in paragraphs (a) to (d) of subsection (1), other than the five copies of the original Minutes of the proceedings of the court martial; and
- (b) any letters, messages and other documents relating to the abandonment of the appeal,

and he may also present such brief or argument in writing relating to the grounds of the appeal as he deems fit.

5. The Registrar, upon receipt of a statement of appeal, shall forthwith notify the Chairman, and thereupon the Chairman shall fix a time and, subject to the requirements of the Minister under subsection (4) of section 190 of the Act, a place for the hearing of the appeal.

6. Except in respect of appeals referred for summary determination under section 194A of the Act, the Registrar shall cause to be served upon the parties at least two weeks before the date set for the hearing of the appeal a notice of hearing giving particulars of the time and place fixed for the hearing of an appeal.

7. The Chairman shall designate three or more members of the Board to hear an appeal and, when he is not included in the number so designated, the Chairman shall name one of the other members so designated to be the presiding member for such appeal: Provided, however, that the Chairman, at any time prior to the hearing of the appeal, may substitute for any member or members so designated any other member or members of the Board, and may vary the number of members designated to hear the appeal, provided always that such number shall not be less than three.

8. The Chairman or presiding member may postpone the hearing of an appeal and, except in the case of an appeal referred for summary determination under section 194A of the Act, give reasonable notice of any such postponement to all parties.

National Defence Act—continued

9. Following receipt of a notice of hearing, any party may apply in writing to the Board for the appeal to be heard at a time other than specified in the notice of hearing; an application under this section shall contain the reasons in support thereof, shall be made as promptly as possible after receipt of the notice of hearing, and in any event prior to five clear days before the time specified in the notice of hearing, and may be made by telegram or in writing addressed to:

The Registrar,
Court Martial Appeal Board,
OTTAWA, Ontario;

the Chairman or presiding member shall decide upon every application made under this section and notification of his decision shall be given to all parties by the Registrar.

10. A statement of appeal may be amended or extended by the appellant or his counsel, if any, at any time prior to five clear days before the commencement of the hearing of the appeal or, with the consent of the Chairman or presiding member, at any other time; every amendment to or extension of a statement of appeal shall be filed with the Registrar.

11. The Chairman or presiding member may order that written submissions be filed prior to the oral hearing of an appeal or may, with the consent of both parties, order that written submissions be filed in place of an oral hearing: Provided, however, that when such an order has been made for the filing of written submissions in place of an oral hearing, the Chairman or the presiding member may, at any time subsequent thereto, direct that the appeal or any part thereof shall be heard orally.

Representation of parties

12. Her Majesty shall be represented on an appeal by such officer as may be designated by the appropriate chief of staff or, if no such officer is designated, by a barrister or advocate appointed by the Minister of Justice with the concurrence of the Minister of National Defence.

13. In prosecuting his appeal, the appellant shall have the right to be represented by counsel of his own choice or, if he so desires and the Minister of National Defence approves, by counsel appointed by the Minister of Justice; where counsel selected by the appellant, or appointed by the Minister of Justice to represent the appellant, fails to appear, the Chairman or presiding member shall direct such course or action as may seem to him appropriate in the circumstances.

14. The Minister of National Defence may direct that all or any of the fees and charges of counsel for the appellant shall be paid by Her Majesty

- (a) where the appellant is represented by counsel appointed by the Minister of Justice; or
- (b) where the appellant is represented by counsel of his own choice and succeeds either in whole or in part on his appeal.

National Defence Act—continued*Appearance of Appellant*

15. The appellant may attend or appear at the hearing of an appeal with the consent of the Chairman or presiding member, but in a case where the punishment of death has been imposed upon him by the court martial he shall have the right to be present.

16. Where an appellant who is in close custody attends or appears before the Board, he shall continue to be held in close custody unless the Chairman or presiding member otherwise directs, and he may be accompanied at the hearing by such persons as may be required to keep him in close custody.

Practice and Procedure at hearings

17. On the hearing of an appeal no grounds of appeal may be argued, save by leave of the Chairman or presiding member, other than those set out in the statement of appeal, including any amendments thereto or extensions thereof made under these rules.

18. No new evidence may be introduced at the hearing of an appeal without the consent or direction of the Chairman or presiding member.

19. On the oral hearing of an appeal the appellant or his counsel, if any, shall be heard first, and he shall have the right to reply to the arguments, if any, advanced by Her Majesty's representative.

20. A witness appearing at a hearing shall be required to give his evidence under oath or solemn affirmation in the form prescribed for use in the case of a court martial.

21. In each case, the laws of evidence that applied before the court martial at the trial shall apply before the Board on the appeal.

22. The Chairman or presiding member may adjourn any sitting or hearing from time to time.

Dissent upon decision

23. Where an appeal is dismissed but there is dissent in the Board, written reasons shall be given both by the majority and the minority and copies of such reasons shall be served upon all parties within fourteen days after the date of the decision of the Board.

General

24. An appellant may abandon his appeal at any time by notice in writing, signed by the appellant and by his counsel, if any, forwarded to the Registrar, and thereupon the appeal shall be at an end.

25. An appeal may be considered to be abandoned for want of prosecution where

- (a) the statement of appeal does not contain particulars of the grounds upon which the appeal is founded and the appellant has failed to comply with a request that he furnish such particulars;
- (b) the appellant has failed to comply with a request for information as to the counsel by whom he will be represented;

National Defence Act—continued

- (c) the appellant has failed to comply with a request for an expression of his intentions as to the abandonment of an appeal under section 24; or
- (d) other circumstances exist from which the Board may conclude that the appeal has been abandoned.

26. The expense of procuring the attendance of any witness to give evidence before the Board shall, unless the Chairman or presiding member otherwise directs, be borne by Her Majesty.

27. In cases not otherwise provided for, services of any notice or other document provided for in these rules may be effected

- (a) upon Her Majesty, by delivery to the Judge Advocate General; and
- (b) upon the appellant,
 - (i) by personal service, or by registered mail addressed to him at the address for service given in his statement of appeal, and
 - (ii) by registered mail or delivery to the barrister or advocate, if any, representing him on the appeal.

28. The Chairman may from time to time designate any other member of the Board to exercise any power or perform any duty or function which by these rules are to be exercised or performed by the Chairman.

Duties of the Registrar

29. The Registrar shall perform such duties as may be required of him under these rules or assigned to him from time to time by the Chairman or a presiding member and, without restricting the generality of the foregoing, shall

- (a) receive and file all papers, documents and exhibits transmitted to him in connection with appeals;
- (b) enter in an appropriate book, provided for that purpose, a list of appeals set down for hearing by the Board;
- (c) transmit to each member of the Board, before whom a particular appeal is to be heard, a copy of the statement of appeal and of the minutes of the proceedings of the court martial in respect of which the appeal is taken;
- (d) attend with all relevant records, exhibits and papers at hearings of the Board;
- (e) keep a full and correct record of all proceedings before the Board showing the names of the members of the Board present, the date, the names of the representative of Her Majesty and of counsel for the appellant, if any, the result of the appeal, the judgment given and the time occupied in the hearing;
- (f) cause a transcript of all new evidence to be taken by a suitably qualified court reporter;
- (g) sign all orders made by the Board at which he attends as Registrar;
- (h) transmit to the parties and to the Judge Advocate General the judgment of the Board and return to the Judge Advocate General the original minutes of the proceedings of the court martial;

National Defence Act—concluded

- (i) retain possession of all other papers, documents and exhibits unless otherwise required by the Chairman; and
- (j) where the appellant has entered an appeal to the Supreme Court of Canada, transmit all papers, documents and exhibits required by that Court to the Registrar of that Court.

30. Failure to comply with these rules shall not necessarily render any proceedings void but, in any such case, the Chairman or the presiding member may vary the proceedings, set them aside as irregular or otherwise deal with them as may be just.

NATIONAL HARBOURS BOARD ACT. (R.S.C., 1952, c. 187)

	Page
1. <i>National Harbours Board By-law 1—</i>	
<i>National Harbours Board Pension Plan</i>	2252
2. <i>National Harbours Board By-law A-1</i>	2252
3. <i>Other By-laws of the Board</i>	2275

1. National Harbours Board By-law 1

Copies of an office consolidation of the Board's By-law 1 relating to its employees' pension plan may be obtained on application to the Secretary, National Harbours Board, Ottawa.

2. National Harbours Board By-law A-1

P.C. 1954-1981

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 16th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 13 of the National Harbours Board Act, is pleased to order as follows:

1. National Harbours Board By-law A-1, established by Order in Council P.C. 5255 of 8th November, 1949, as amended, being Regulations governing the harbours of Halifax, Saint John, Chicoutimi, Quebec, Three Rivers, Montreal, Churchill and Vancouver, is hereby revoked; and

2. The annexed National Harbours Board By-law A-1, Operating Regulations applicable at the harbours of Halifax, Saint John, Chicoutimi, Quebec, Three Rivers, Montreal, Churchill and Vancouver, is hereby made and established in substitution for the By-law hereby revoked.

National Harbours Board Act—continued

NATIONAL HARBOURS BOARD BY-LAW A-1

OPERATING REGULATIONS

Applicable at the Harbours of HALIFAX, SAINT JOHN, CHICOUTIMI, QUEBEC, THREE RIVERS, MONTREAL, CHURCHILL, VANCOUVER.

Interpretation

1. In this by-law, unless the context otherwise requires,
 - (a) "Board" means the National Harbours Board;
 - (b) "Board property" means any property under the administration, management and control of or under lease from or to the Board at any of the harbours of Halifax, Saint John, Chicoutimi, Quebec, Three Rivers, Montreal, Churchill, and Vancouver;
 - (c) "goods" includes all personal property and movables other than vessels;
 - (d) "harbour" means any of the harbours of Halifax, Saint John, Chicoutimi, Quebec, Three Rivers, Montreal, Churchill, and Vancouver;
 - (e) "owner" includes, in the case of a vessel, the agent, charterer by demise or master of the vessel, and, in the case of goods, the agent, sender, consignee or bailee of the goods, as well as the carrier of such goods to, upon, over or from the property under the administration or jurisdiction of the Board;
 - (f) "private property" means any property other than Board property;
 - (g) "raft" includes any raft, crib, dram or bag boom of logs, timber or lumber of any kind, and logs, timber or lumber in boom or being towed; and
 - (h) "vessel" includes any ship, boat, barge, raft, dredge, floating elevator, scow, seaplane on the water or other floating craft.

PART I—GENERAL

Short Term Agreements

2. The Board may enter into any agreement for the conferment or acquisition of rights of possession or use in respect of any real or personal, movable or immovable, property in any case where such agreement is of such nature or contains such provisions as to be subject at all times during such agreement's currency to cancellation by the Board without cause and at sole Board discretion within a period not exceeding fifteen months.

Purchase or Sale of Personalty

3. The Board may purchase or sell, as the case may be, any property other than real property for such price as to the Board seems reasonable and just, provided that in the case of any purchase the requisite funds are, at the time of such purchase, available either from current Board revenues or from amounts already appropriated by Parliament for a purpose which necessitates or contemplates such purchase.

National Harbours Board Act—continued*Operation of Harbour*

4. (1) No person shall cause or do or omit to do anything which may cause in any manner

- (a) an encumbrance of the water or shore of the harbour; or
- (b) an obstruction or danger to navigation in the harbour.

(2) Nothing shall be thrown, drained or discharged into the water, allowed to come in contact with the water, or deposited anywhere within the limits of the harbour, which may in any manner

- (a) damage vessels or property; or
- (b) cause any nuisance or endanger life or health;

Provided that ballast or rubbish may be placed, left or disposed of at such places in the harbour as may be assigned by the Board.

(3) Every encumbrance, obstruction, nuisance, or possible cause of danger or damage, in contravention of the provisions of this section, may be removed by the Board at the risk and expense of the person who so contravenes such provisions.

5. All submerged or other works in the harbour, whether new works under construction or old structures, which may constitute a hazard to persons or property, shall be reported in writing to the Board and shall be clearly marked in a manner suitable to the Board.

6. No light, fog signal, buoy, or other object used as an aid to navigation, shall be placed or moved in or removed from the harbour without prior written Board permission; any light or other object which interferes with navigation shall be removed upon Board order.

7. No hawser or rope shall be run or fastened across any part of the harbour except for the express purpose of hauling a vessel in or out immediately, or for the purpose of hauling a vessel off the ground; in either of such cases the hawser or rope shall be slackened or cast off when necessary to permit the free and uninterrupted passage of another vessel.

8. Any person finding any stray boat, timber or other article adrift in the harbour shall forthwith notify the Board thereof.

9. (1) Any plant, machinery or appliance for loading, unloading or handling goods shall, if situate in the harbour elsewhere than on private property, be removed therefrom upon Board demand.

(2) Every person having any such plant, machinery or appliance may be required to pay to the Board, for the privilege of operating such plant, machinery or appliance, such charges thereon as the Board may fix from time to time.

(3) Every person, before making use of any such plant, machinery or appliance may be required to submit to the Board for approval detailed statement of charges levied or intended to be levied for services to be performed with any such plant, machinery or appliance.

(4) Charges for services to be performed with any such plant, machinery or appliance shall be subject to such change or modification as the Board may order from time to time.

National Harbours Board Act—continued

10. (1) Fully qualified operators only shall use torches, welding, burning, cleaning or spraying equipment in the harbour.
- (2) Before torches or welding or burning equipment are used, all inflammables shall be removed to such a distance from the job as will render them safe from fire; where such removal is impossible the inflammables shall be adequately shielded.
- (3) No tanks or other containers or other facilities used for storage or transportation of inflammables shall be repaired in the harbour with torches or welding or burning equipment until such facilities have been rendered safe for making the repairs.
- (4) Suitable fire-extinguishing equipment, ready for instant use in case of fire, shall be placed near each unit in use for any purpose contemplated by subsection (1).
- (5) Every compressor or generator in use with any such aforesaid equipment shall be placed securely and in such manner as not to interfere with traffic.
- (6) Without restricting the generality of this section, no operator shall do any act or make any omission which might cause explosion or fire.

11. No person shall set off rockets or fireworks or carry on blasting operations in the harbour without prior Board permission.

12. The Board may forbid or fix a specific place and time for any yacht or boat race or other aquatic sport to take place in the harbour.

13. (1) This section applies to the harbours of Chicoutimi, Quebec, Three Rivers and Montreal only.

(2) No person shall in the harbour

- (a) cut ice;
- (b) cut holes in the ice;
- (c) make any road on the ice; or
- (d) occupy the ice in any manner;

without prior Board permission and then only at such places as may be assigned for such purposes by the Board and subject to such conditions as may be fixed by the Board.

(3) No person shall remove, destroy, damage or deface any pickets or marks placed on the ice in the harbour.

Operation of Board Property

14. No person shall trespass on Board property.

15. No person shall smoke or have in his possession any lighted match or other lighted fire-producing device

- (a) in, on or at any Board shed, grain elevator or warehouse, except in such places as may be provided for the purpose of smoking; or
- (b) in or on any railway car on Board property.

16. No person shall, on Board property, without prior Board permission, sell or offer for sale any goods, or distribute circulars, leaflets or advertising matter, or undertake personal solicitation.

National Harbours Board Act—continued

17. The Board may, without cause, stop the entry of any person upon Board property or eject any person from Board property.

18. (1) No structure or work shall be placed or erected on Board property save with written Board permission and upon such terms and conditions as may be stipulated by the Board.

(2) Every structure or work placed or erected in contravention of subsection (1) shall, upon Board order, be removed forthwith by the owner thereof or by the person by whom such structure or work was so placed or erected. If such removal is not carried out the Board may at the risk and expense of the said owner or person, undertake such removal.

19. (1) No goods shall, without prior Board permission, be placed on any Board property except goods

(a) in transit;

(b) for use of vessels;

(c) for use in connection with shipping;

(d) for use by the Board; or

(e) for use in connection with railway cars, sheds or other harbour facilities;

and in no case shall any goods be placed on any Board property in such manner as to create an obstruction or interference or in a location less than six feet from the gauge line of the nearest rail of any railway.

(2) No goods in excess of the maximum load permitted by the Board shall be placed upon any Board wharf or upon the floor of any Board shed or warehouse.

(3) No goods which the Board considers may cause any nuisance or endanger health shall be placed on Board property.

(4) All goods placed on Board property in contravention of this section may be removed by the Board at the risk and expense of the owner of such goods.

20. (1) No vehicle shall be brought on Board property except on legitimate business.

(2) No vehicle shall, while on Board property, be driven

(a) in sheds or warehouses except to pick up or deliver goods;

(b) between railway tracks;

(c) across railway tracks except at regular crossings; or

(d) at a speed in excess of the municipal limit, and in no case at a speed or in a manner that may cause injury to persons, damage to property, or any inconvenience.

(3) No vehicle shall, while on Board property

(a) be placed in such manner as to create an obstruction or interference;

(b) be either

(i) parked other than in an area specifically designated by the Board as a parking area; or

(ii) parked in a parking area for any period in excess of the maximum time (if any) prescribed by the Board in respect of such parking area;

National Harbours Board Act—continued

and a vehicle is parked within the meaning of this paragraph whether or not the driver remains in such vehicle and whether or not the engine of such vehicle is running;

(c) be in excess of the load limit specified by the Board;

(d) be permitted to drip gasoline or other oil; or

(e) be supplied with or discharge gasoline or other oil in any location other than a location approved by the Board.

- (4) Every vehicle operated in contravention of any of the provisions of this section may be removed by the Board at the risk and expense of the owner of such vehicle.

21. No railway rolling stock shall be brought on Board property except with prior Board permission and in the manner stipulated by the Board.

22. All live animals on Board property shall be in charge of competent attendants and kept under proper control.

23. Any Board property or any mark or object placed by the Board in the harbour that is removed, damaged or destroyed by any person or by any vessel or vehicle may be replaced or the damage repaired or made good by the Board at the expense of such person or the owner or person in charge of such vessel or vehicle.

24. No Board mark, printed or written notice, direction, order, by-law or regulation that is posted, attached or affixed to or on Board property shall be removed, damaged or destroyed.

25. No placards, bills or advertisements shall be placed or erected on Board property without prior Board permission.

26. No sand, stone or gravel, the property of the Board, shall, without prior Board permission, be removed from Board property.

27. No artificial light by which fire may be communicated shall be used on Board property without prior Board permission.

28. No article or substance shall be burned by open fire on Board property unless such fire is properly safeguarded and is in the constant charge of a competent person, and in no case within any structure or within 300 feet of any structure.

29. No person shall, on Board property, boil or heat tar, pitch, turpentine, resin, grease or like substance, or cause the same to be boiled or heated, except at such place as the Board may assign for such purpose; and in every case, a competent person shall be in charge of the pot or kettle in which the same is boiling or heating, and shall have suitable fire-extinguishing equipment for instantly extinguishing any fire arising from the ignition of such tar, pitch, turpentine, resin, grease or like substance, and for extinguishing completely the original fire when the purpose for which it was kindled has been accomplished.

30. Every person involved in any accident on Board property causing death of or injury to other persons or loss or destruction of or damage to property shall, upon Board request, deliver forthwith to the Board a written report giving full details of such accident.

National Harbours Board Act—continued

PART II—REGULATIONS GOVERNING VESSELS

Regulation and Control by the Board

31. Every vessel in the harbour shall be under the control and subject to the orders of the Board in respect of its movement and location.

32. Whenever the owner or person in charge of any vessel in the harbour is not available or refuses or neglects to obey Board orders to move such vessel, the Board, at the risk and expense of such vessel, may

- (a) take possession of and move the vessel;
- (b) use any reasonable means and force for such purpose;
- (c) place a pilot in charge of the vessel;
- (d) order tugs to move the vessel;
- (e) moor or anchor the vessel at any other place satisfactory to the Board.

Notices, Certificates and Manifests

33. (1) The owner of every deepsea vessel, or the owner of any other vessel if required, shall, if possible, give prior notice to the Board of the expected date and approximate time of arrival in the harbour of each of his vessels.

(2) The owner or person in charge of every vessel arriving at the harbour shall deliver forthwith to the Board a certificate in respect of such vessel setting forth details as follows:—

Name;
Official number;
Port of registry;
Gross tonnage;
Net registered tonnage;
Dimensions of vessel;
Draft of water upon arrival;
Time of arrival;
Place from which the vessel arrived;
Date of departure from the aforesaid place;
Places of call *en route*;
Name of master or person in charge;
Name of owner or agent;
Name of pilot;
Number of Crew;
Berth assigned;
Tonnage of goods to be unloaded;
Number of passengers to be landed; and
Number of bags of mail to be landed.

(3) The owner or person in charge of every vessel arriving at the harbour shall deliver forthwith to the Board a certified copy (or two certified copies if required) of the manifest of such vessel giving the weight or measurement for each bill of lading and certified by the Collector of Customs.

National Harbours Board Act—continued

34. (1) The owner or person in charge of every vessel clearing from the harbour shall cause to be delivered forthwith to the Board a certificate in respect of such vessel setting forth the

Berths occupied:

- Unloading cargo;
- Loading cargo;
- Loading coal bunkers;
- Loading oil bunkers;
- Total time at each berth;
- Tonnage of goods loaded;
- Tonnage of coal or oil bunkered;
- Number of passengers embarked;
- Number of bags of mail loaded;
- Draft of water upon departure;
- Time of departure;
- Place to which the vessel departed.

- (2) The agent, owner, consignee, master or person in charge of every vessel clearing from the harbour shall cause to be delivered forthwith to the Board a certified copy (or two certified copies if required) of the manifest of such vessel, certified by the Collector of Customs, giving the weight or measurement for each bill of lading.

Vessels Navigating or Moving in the Harbour

35. (1) No vessel shall move in the harbour at a speed that may endanger life or property.

- (2) Without restricting the generality of subsection (1) no vessel shall move at a rate of speed exceeding

At Halifax—eight knots inside of George's Island or in the Northwest Arm;

At Saint John—half speed during fog or when passing a dredge or tow of barges;

At Chicoutimi—seven knots within two miles of Board property;

At Quebec—nine knots;

At Three Rivers—seven knots;

At Montreal—

- (a) when moving in a westerly or upstream direction—

- (i) eight knots between Gas Buoy No. 149-M and Longue Pointe Signal Station;

- (ii) six knots between Longue Pointe Signal Station and the Sailors Memorial Clock Tower;

- (b) when moving in an easterly or downstream direction—ten knots between the Sailors Memorial Clock Tower and Gas Buoy No. 149-M;

Provided that the aforesaid rates of speed may be disregarded to avoid imminent danger.

National Harbours Board Act—continued

36. Whenever in the interests of safe navigation the Board considers that any vessel should engage tug service for moving in the harbour, the Board may, at the risk and expense of such vessel, order the vessel to engage such service.

37. (1) Every vessel towing another vessel shall have sufficient power to perform such service properly and shall, at all times, keep as complete control as possible of the vessel in tow.
- (2) No vessel towing or in charge of another vessel shall cast adrift or allow to become adrift such other vessel, except to prevent imminent danger to life or property.
- (3) Every vessel being towed and lashed alongside the towing vessel shall
- (a) when the view from the wheelhouse of the towing vessel is obstructed by the tow, carry a lookout man on its outboard side; and
 - (b) between sunset and sunrise, display a white light on its outboard side.
- (4) At the harbours of Quebec, Three Rivers and Montreal, no vessels shall be towed more than two abreast or at a greater distance than 400 feet from the stern of the towing vessel.
- (5) At the harbour of Vancouver
- (a) no vessel towing another vessel shall use for such purpose a towing hawser or line exceeding 180 feet in length measured from the stern of the towing vessel to the nearest portion of the vessel in tow, except that the length of such towing hawser or line may be increased as follows:—
 - (i) between Brockton Point and Prospect Point, to not exceeding 300 feet;
 - (ii) west of Prospect Point, to such length as may be deemed safe and practicable by the master or person in charge of the towing vessel;
 - (b) every vessel towing another vessel shall, when such tow exceeds 600 feet in length measured from the stern of the towing vessel to the furthest portion of the vessel in tow, carry, in addition to side-lights, three mast-head lights spaced as set forth in article 3 of the International Rules of the Road, and in foggy weather shall, with its whistle or other aural warning device, give one prolonged and three short blasts at intervals not exceeding one minute;
 - (c) every raft, when under way between sunset and sunrise, shall display on the after end a bright white light visible all around the horizon;
 - (d) no boom of logs, or boom made up into one tow, exceeding twenty sections or 1,600 feet in length and 160 feet in breadth, shall be towed or otherwise navigated; and
 - (e) every tug towing a boom of logs shall leave a distance of not less than one-quarter mile between such tug and any preceding tow.

38. Subject to section 54, no vessel within the harbour shall have an anchor out except in an emergency.

National Harbours Board Act—continued

39. At the harbour of Quebec every vessel moving through the harbour shall keep not less than two cables' length from the outer ends of wharves.

40. At the harbour of Quebec

- (a) every vessel using or desiring to use Louise Basin shall be governed as follows:
 - (i) the gates will be opened about one hour prior to and will remain open until high water, when they will be closed until the next high tide.
 - (ii) if for any reason the gates cannot be opened and remain opened as provided in subsection (i) vessels shall await the next following high water.
 - (iii) vessels shall be ready to enter or leave the inner basin immediately the gates are opened and shall proceed without delay when signalled by the Bridge Signaller but must not pass through the gates until the bridges have been completely opened.
- (b) every vessel entering or leaving the outer basin shall, with its whistle or other aural warning device, signal as follows:
 - (i) if towing—two prolonged blasts followed immediately by one short blast; or
 - (ii) if not towing—two prolonged blasts.
- (c) every vessel wishing to enter or leave the inner basin shall, with its whistle or other aural warning device, signal as follows:
 - (i) if towing—one prolonged blast followed immediately by two short blasts; or
 - (ii) if not towing—one prolonged blast followed immediately by one short blast.
- (d) signals that the gates are open for shipping until high water will be given by the bridge-house whistle as follows:
 - (i) from sunrise to sunset—three prolonged blasts; and
 - (ii) from sunset to sunrise—three short blasts.
- (e) no vessel shall proceed through the inner basin gates until semaphore signals are given as follows:
 - (i) from sunrise to sunset—green arm; and
 - (ii) from sunset to sunrise—green light.
- (f) every vessel shall stop and go astern when semaphore signals are given as follows:
 - (i) from sunrise to sunset—red arm; and
 - (ii) from sunset to sunrise—red light.

41. Every vessel using or desiring to use St. Charles River or Estuary in the harbour of Quebec shall be governed as follows:

- (a) no vessel shall pass through any lift span or swing bridge opening unless such vessel is completely under control;
- (b) every vessel passing through any lift span or swing bridge opening shall exercise due caution having regard to all conditions affecting navigation at the time of passage; information concerning navigation conditions may be obtained from the Board;
- (c) no vessel shall attempt to overtake or in any manner obstruct any other vessel which has signalled for any lift span to be raised or swing bridge to be opened;

National Harbours Board Act—continued

- (d) no vessel shall signal for any lift span to be raised or swing bridge to be opened when
 - (i) such vessel can pass under the bridge without risk or injury to such vessel or to the bridge; or
 - (ii) such vessel is equipped with masts, funnels or other erections which can be lowered and is not prevented by circumstances from lowering such masts, funnels or other erections so as to enable such vessel to pass under the bridge;
- (e) every vessel which has signalled for any lift span to be raised or swing bridge to be opened shall remain at a safe distance from the bridge until the bridge operator signals that the lift span has been raised or swing bridge opened;
- (f) every vessel shall, with its whistle or other aural warning device, signal as follows:
 - (i) when entering or leaving St. Charles River and upon approaching each bridge:
 - A. if towing—one prolonged blast followed immediately by two short blasts; or
 - B. if not towing—one prolonged blast followed immediately by one short blast;
 - (ii) when entering or leaving St. Charles River Estuary:
 - A. if towing—two prolonged blasts followed immediately by one short blast;
 - B. if not towing—two prolonged blasts.

42. No vessel shall enter the harbour of Montreal from the Lachine Canal except at the time permitted by the Board.

43. At the harbour of Montreal,

- (a) every downbound vessel shall, in order to warn upbound vessels, give one prolonged blast with its whistle or other aural warning device immediately upon leaving the entrance of the Lachine Canal and shall navigate to the right of the mid-channel before rounding Alexandra Pier;
- (b) every vessel downbound from a point above Victoria Pier to a point below Victoria Pier shall, in order to warn vessels leaving Market Basin, give one prolonged blast with its whistle or other aural warning device when opposite the Marine Tower Jetty at Elevator No. 2; and
- (c) every vessel heading out of Market Basin shall, in order to warn downbound vessels, give one prolonged blast with its whistle or other aural warning device before leaving the basin.

44. (1) Every vessel proceeding down the harbour of Vancouver shall, when safe and practicable
- (a) so approach the north shore eastward of Burnaby Shoal as to open out Prospect Point Bluff and then proceed cautiously to the north of mid-channel in the First Narrows; and
 - (b) keep to the north of mid-channel in the First Narrows.
- (2) Every vessel proceeding up the harbour of Vancouver shall, upon approaching Prospect Point and when safe and practicable, proceed cautiously to the south of mid-channel.

National Harbours Board Act—continued

45. At the harbour of Vancouver,

(a) every self-propelled vessel within one-half mile of approach to Prospect Point shall, with its whistle or other aural warning device, signal as follows:

- (i) if towing—one prolonged and two short blasts; or
- (ii) if not towing—one prolonged blast;

and every approaching vessel within hearing of such signals shall answer with the aforesaid signals to indicate whether such vessel is towing or not towing.

(b) every deepsea vessel under way in the harbour shall fly its signal flags and indicate its destination by the following means:

- (i) from sunrise to sunset—by International Code Numeral Pendants and using numbers as follows:

Above Second Narrows	00
Proceeding Out of Harbour	01
Union Oil Wharf	02
C.P.R. "A"	03
C.P.R. "B-C"	04
C.P.R. 5-6-7	05
C.P.R. "H"	06
Evans, Coleman, Evans	07
Canadian National Pier	08
Canadian Fishing Co. Dock	09
Dunlevy Avenue Wharf	10
Ballantyne Pier	11
Great Northern Dock	12
B.C. Sugar Refinery	13
Burrard Elevator (No. 3 Jetty)	14
Lapointe Pier and No. 1 Jetty	15
Terminal Wharf	17
Columbia Elevator	18
Alberta Pool Elevator	19
Midland Pacific Elevator	20
West Indies Dock	21
Burrard Drydock	22
Booming Grounds—East of Ferries	23
Booming Grounds—West of Ferries	24
Anchorage "A"	25
Anchorage "B"	26
Anchorage "C"	27
Pacific Drydock	28

- (ii) from sunset to sunrise and in fog—by sound signals as follows:

Union Oil Wharf	· · —	U
C.P.R. Pier "A"	· — · —	AA as one group
C.P.R. Pier "B-C"	— · — ·	C
C.P.R. 5-6-7	· · — ·	F
C.P.R. "H"	· · · ·	H
Union Steamship Co.	— · · —	X
Evans, Coleman, Evans	· · · ·	E five times
Canadian National Pier	— — ·	G
Dunlevy Avenue Wharf	· · · —	V

National Harbours Board Act—continued

Ballantyne Pier	— — — —	MM as one group
Great Northern Dock .....	. — .	R
B.C. Sugar Refinery .....	. . . . .	SS as one group
Burrard Elevator (No. 3 Jetty)	— . —	K
Lapointe Pier and No. 1 Jetty .	. — . .	L
Terminal Wharf	— . — . — .	TE three times
Columbia Elevator	— . — —	Y
Alberta Pool Elevator .....	. — — —	J
Midland Pacific Elevator .....	. . . . —	EV as one group
West Indies Dock .....	. — —	W
Burrard Drydock	— . . .	B

- (c) Every vessel moving astern from any dock, wharf or pier shall sound three short blasts in succession.
- (d) Every vessel leaving any dock, wharf or pier and not having a clear view of an approaching vessel shall signal as follows:—
- (i) if towing—one prolonged and two short blasts; or
 - (ii) if not towing—one prolonged blast.

46. At the harbour of Vancouver every vessel passing or desiring to pass under Second Narrows Bridge or through any lift span opening thereof shall be governed as follows: —

- (a) every inbound vessel shall use span C, D or E;
- (b) every outbound vessel shall use span, A, B or C;
- (c) every vessel towing another vessel under the bridge or through the lift span opening thereof shall use for such purpose a towing hawser or line not exceeding sixty feet in length measured from the stern of the towing vessel to the nearest portion of the vessel in tow and shall not lengthen such towing hawser or line until the towing vessel and the vessel in tow have completed the passage and are well clear of the bridge piers;

Provided that the master or person in charge of a vessel towing another vessel exceeding 150 feet in length may, in his discretion, lengthen the tow line to not exceeding 200 feet;

- (d) no raft of more than ten sections or exceeding 800 feet in length and 80 feet in width, shall be towed under the bridge;

Provided that a raft not exceeding 1,280 feet in length and 160 feet in width may be towed under the lift span of the bridge subject to conditions as follows:

- (i) that a tug of adequate power shall be employed to assist the tug towing such raft;
- (ii) that the tug assisting in towing any inbound raft shall remain attached thereto until abeam of Berry Point;
- (iii) that the passage shall not be made when the tide is lower than three feet above zero;
- (e) no vessel shall pass under the bridge or through the lift span opening thereof unless she is completely under control;
- (f) every vessel passing under the bridge or through the lift span opening thereof shall exercise due caution having regard to all conditions affecting navigation at the time of passage;
- (g) no vessel shall attempt to overtake or in any manner obstruct any other vessel which has signalled for the lift span of the bridge to be raised;

National Harbours Board Act—continued

- (h) no vessel shall signal for the lift span to be raised when
 - (i) such vessel can pass under the Bridge without risk or injury to such vessel or to the bridge;
 - (ii) such vessel is equipped with masts, funnels or other erections which can be lowered and is not prevented by circumstances from lowering such masts, funnels or other erections so as to enable such vessel to pass under the bridge;
- (i) every vessel which has signalled for the lift span of the bridge to be raised shall remain at a safe distance from the bridge until the bridge operator signals that the lift span has been raised;
- (j) every vessel desiring the lift span of the bridge to be raised shall give three prolonged blasts with its whistle or other aural warning device and repeat such signal until acknowledged by the bridge operator;
- (k) whenever any vessel has signalled the bridge operator as provided in paragraph (j), the bridge operator shall acknowledge such signal as follows:
 - (i) from sunrise to sunset:
 - inbound vessel—
 - a black ball hoisted to the yard-arm on the south side of the signal mast indicates that the vessel's signal for the raising of the lift span has been heard and understood;
 - if such black ball is then dropped the vessel shall not approach the bridge;
 - two black balls hoisted vertically on the south side of the signal mast indicates that the span has been raised;
 - outbound vessel—
 - a red cone hoisted to the yard-arm on the north side of the signal mast indicates that the vessel's signal for the raising of the lift span has been heard and understood;
 - if such red cone is then dropped the vessel must not approach the bridge;
 - two red cones hoisted vertically on the north side of the signal mast indicates that the span has been raised;
 - (ii) from sunset to sunrise:
 - inbound or outbound vessels—
 - a red light on either side of the operating house indicates that the vessel's signal has been heard and understood;
 - two red lights on the operating house, not less than ten feet apart vertically, indicates that the vessel must not approach the bridge;
 - a green light on either side of the operating house indicates that the lift span has been raised;
 - a vertical row of white lights indicates that a vessel is approaching the bridge from the opposite direction.

Vessels Mooring or Anchoring in the Harbour

47. No vessel shall moor or anchor in a harbour in any manner that may obstruct
- (a) navigation therein;
 - (b) operation of ferries therein; or
 - (c) docking or undocking of any other vessel.

National Harbours Board Act—continued

48. At the harbour of Quebec
- (a) no vessel shall moor or remain alongside
 - (i) Pointe à Carcy wharf for a distance of 300 feet from the north end; or
 - (ii) the northern extremity of Pier No. 1 facing the Fairway Channel at the entrance to the St. Charles River.
 - (b) no pontoons shall be moored or fastened at any wharf without prior Board permission.
49. No vessel shall, except in an emergency, anchor in a harbour without prior Board permission and then only at such place as is assigned by the Board.
50. At the harbours of Halifax and Saint John, no vessel (except a vessel engaged or to be engaged in dredging or removing obstructions) shall anchor within two cables' length of any of the wharves except when intending to moor at any of such wharves or in an emergency.
51. (1) Vessels bound for Quebec harbour wharves or waiting for orders shall anchor in that section of the St. Lawrence River situated between anchorage beacon or blue light on King's Wharf and red gas buoy No. 10-Q, at the east end of Wolfe's Cove Terminals, a distance of 4,500 feet.
- (2) Vessels upward bound and waiting for tide shall anchor above red gas buoy No. 12-Q, west of Wolfe's Cove at Quebec harbour.
52. At the harbour of Quebec no vessel shall anchor
- (a) in the St. Lawrence River from Beauport red gas buoy No. 138-B in line with Point Levis shoal black gas buoy No. 89-B up to the anchorage beacon or blue light on King's Wharf;
 - (b) at Wolfe's Cove Terminals between red gas buoy No. 10-Q and red gas buoy No. 12-Q, a distance of 5,500 feet, and for the full width of the river at this location;
 - (c) in the Princess Louise Basins or the estuary of the St. Charles River, except by Board permission;
 - (d) in the Fairway Channel Range Lights of Crane Island;
 - (e) southward of Crane Island Pier where the submarine cable is laid;
 - (f) in the dredged channel east of the Island of Orleans;
 - (g) within two cables' length of any of the wharves.
53. Every vessel at anchor at the harbour of Vancouver shall display at the forestay or forepart of the vessel, so as to be clearly visible from all directions, signals as follows:
- (a) from sunrise to sunset—a black ball or shape; and
 - (b) from sunset to sunrise—a white light.
54. Notwithstanding section 38, a vessel mooring, moored, or casting off, may have an anchor out either
- (a) for the purpose of immediately hauling the vessel in or out; or
 - (b) by Board direction, provided the vessel display, in such manner as to be clearly visible from all directions, signals as follows:
 - (i) from sunrise to sunset—International Code Letters AXS;
 - (ii) from sunset to sunrise—a white light six feet above a red light.

National Harbours Board Act—continued

55. Every power-driven vessel moored or anchored in the harbour shall, unless exempted by the Board, at all times have

- (a) sufficient power available to enable the vessel to move under its own power on short notice; and
- (b) sufficient men on board to operate winches and handle mooring lines.

56. At the harbour of Saint John every tender, lighter or raft serving another vessel shall, when lying alongside such vessel, keep as close as possible thereto and the number of such tenders, lighters or rafts in use at any one time, the quantity of timber in any such raft, and the location thereof shall be in the discretion of the Board.

Vessels Berthing at Board Property

57. No vessel shall occupy a berth or move from one berth to another berth at Board property without prior Board permission.

58. The owner or person in charge of any vessel who has obtained permission for such vessel to occupy a berth at Board property shall advise the Board of the anticipated time of arrival of the vessel, description and quantity of goods to be unloaded or loaded, and number of passengers to be landed or embarked; the Board may thereupon assign a berth to such vessel and may change such berth from time to time but shall not be liable for any delay in providing a berth or for failure to provide a berth.

59. The lines of every vessel moored at Board property shall be made fast only to mooring rings and posts provided for mooring purposes, and such lines shall not lie across any Board wharf or across any channel in such manner as to obstruct passage of any other vessel.

- 60. (1) No vessel shall make fast to or tie up alongside any other vessel at Board property without prior Board permission.
- (2) Every vessel shall, when ordered by the Board, permit any other vessel to make fast to or tie up alongside.
- (3) Whenever vessels are made fast to or tied up one alongside of another, a free and unencumbered passage over the inner vessels shall be allowed to the outer vessels for loading, unloading and access to and from the shore.
- (4) Whenever any vessel is made fast to or tied up alongside another vessel, the lines of the vessel so made fast or tied up shall not, except in an emergency, be cut or cast off without prior Board permission and unless the prior notice of the intention to do so has been given to the vessel so made fast or tied up.
- 61. (1) Every vessel loading or unloading at Board property shall start such work as soon as possible after berthing and shall continue such work, all to the satisfaction of the Board.
- (2) Whenever the Board considers that any goods which are to be loaded to or unloaded from any vessel at Board property should be handled directly between such vessel and any land conveyance, the Board may so direct.

National Harbours Board Act—continued*Miscellaneous Regulations*

62. (1) Every vessel arriving in any of the harbours except the harbour of Vancouver shall fly her signal flags until the certificate required under subsection (2) of section 33 has been delivered and the vessel is secured in her assigned berth or anchorage.
- (2) Every deepsea vessel arriving in the harbour of Vancouver between sunrise and sunset shall fly her signal flags until she is secured in her assigned berth or anchorage, or, if arriving between sunset and sunrise, shall communicate by signal lamp her name and other required information to the First Narrows Signal Station.

63. Every deepsea vessel shall hoist the Blue Peter on her day of departure from the harbour.

64. At the harbours of Saint John and Vancouver, every deepsea vessel requiring tug service shall sound letter "P" (. — — .) at short intervals.

65. Every vessel in the harbour shall display conspicuously her name and an accurate water gauge.

66. Suitable gangways, clearly lighted at night, shall be provided by every vessel in the harbour for the use of persons boarding or leaving the vessel.

67. Cargo skids of vessels in the harbour shall, from sunset to sunrise, be clearly lighted when in place.

68. The side ports of vessels in the harbour shall, from sunset to sunrise, be

- (a) clearly lighted when open; and
- (b) closed when not in use.

69. The hatches of vessels in the harbour shall, when not in use, be securely and completely covered or guarded.

70. Suitable save-alls to prevent goods or persons from falling into the water shall be used by vessels loading or unloading in the harbour.

71. (1) A red light shall be displayed conspicuously by every vessel overreaching the end of any wharf in the harbour and such light shall be placed at the projecting end of the vessel.
- (2) Lights used on vessels loading or unloading in the harbour shall be of an approved electric type and shall be located in safe positions. Connecting wires shall be properly insulated and protected against damage.

72. A suitable device affixed to the lines of the vessel shall be provided and all other precautions necessary to prevent rats leaving the vessel shall be taken by every vessel moored or anchored in the harbour.

73. Internal combustion engines on vessels operating within the harbour shall be equipped with exhaust mufflers which shall be used continuously when the engines are running.

National Harbours Board Act—continued

74. Suitable fire-extinguishing equipment, ready for instant use in case of fire in any part of the vessel, shall be provided by every vessel in the harbour.

75. No fire shall be used on any vessel in the harbour except in suitable containers and under watch.

76. No rigging, gear or other equipment of any vessel in the harbour shall be permitted to overhang or project in any manner that may endanger life or property.

77. No whistle, siren or fog-horn on any vessel in the harbour shall be sounded unnecessarily, and no such equipment shall be tested without prior Board permission.

78. A watch consisting of one or more competent persons shall be maintained constantly on every vessel in the harbour (except any vessel which may be given prior written exemption by the Board) and in the event of any danger, accident, disturbance or fire, such watch shall immediately give an alarm and notify

At Halifax—the Harbour Master;
At Saint John—the Harbour Master;
At Chicoutimi—the Port Manager;
At Quebec—the Harbour Master;
At Three Rivers—the Port Master;
At Montreal—the Harbour Master and Harbour Police;
At Churchill—the Port Manager;
At Vancouver—the Harbour Master.

79. In the event of fire occurring at a dock at which any vessel is moored, or on board any vessel whatever (except a vessel underway), such vessel shall, with its whistle or other aural warning device, give five blasts of from four to six seconds' duration each as an alarm to indicate such fire. The said signal shall be repeated at intervals and shall be used in addition to, but not in substitution for, other means of reporting a fire and shall not be used for any other purpose.

80. No vessel shall be abandoned, sunk, burned, broken up, dismantled, allowed to remain on the shore or cast adrift in the harbour without prior Board permission.

81. The master or person in charge of every vessel involved in any
- (a) accident causing death of or injury to persons or loss or destruction of or damage to property;
 - (b) collision; or
 - (c) grounding;

in the harbour shall deliver forthwith to the Board a written report giving full details of such accident, collision or grounding.

82. Whenever any epidemic is prevalent or the spread of any infectious or contagious disease is considered probable on board any vessel in the harbour, the agent or person in charge of such vessel shall forthwith notify the Board, and the Board may assign a place at which such vessel shall be moored or anchored and at which place such vessel shall remain, fly quarantine flag "Q" and allow no unauthorized person to embark or disembark until measures satisfactory to the Board have been taken.

National Harbours Board Act—continued

83. No vessel shall engage in dredging or removing obstructions in the harbour without prior Board permission.

84. The master or person in charge of every vessel which has lost cargo or ship's gear overside in the harbour shall, on obtaining prior Board permission, forthwith recover the lost article if practicable. If such recovery is not made, the said master or person shall deliver to the Board a written report of the loss giving the approximate location thereof, description of the lost article and other pertinent details. The Board may then, at the risk and expense of the vessel, recover the lost article.

85. No vessel shall unload ballast or refuse into the water of the harbour, into another vessel in the harbour, or on to any place on Board property, except as directed by the Board and at such place as is assigned for that purpose by the Board, and no vessel shall so unload ballast or refuse without prior written Board permission.

Aircraft

86. Aircraft shall be governed as follows:—

- (1) No aircraft shall alight on or take off from the water except at locations designated by the Board.
- (2) Aircraft alighting on or taking off from the water shall allow right-of-way to vessels under way.
- (3) In addition to the provisions of subsections (1) and (2) preceding, all by-laws governing vessels shall govern aircraft under way or at rest on the water.

PART III—REGULATIONS GOVERNING EXPLOSIVES AND OTHER
DANGEROUS GOODS

87. In this part,

- (a) "*authorized place*" means any transit shed, wharf, berth or other place in the harbour (including private property) so designated by the Board;
- (b) "*C.T.C. regulations*" means "Board of Transport Commissioners for Canada Regulations for the Transportation of Explosives and Other Dangerous Articles in Rail Freight and Rail Express Service including Specifications for Shipping Containers" published in J. A. Brass' Tariff, C.T.C. No. 3, supplements to or successive issues thereof;
- (c) "*dangerous goods*" means any article or substance (except explosives or ship's ammunition) of such kind or quantity as should reasonably be known to the possessor thereof to constitute a serious danger to life or property;
Provided that by notice the Board may designate any article or substance whatsoever (including explosives and ship's ammunition) to be dangerous goods for the purposes of this by-law;
- (d) "*Department of Transport regulations*" means the regulations respecting the carriage of dangerous goods in ships issued by the Department of Transport and approved by the Governor in Council all as in force from time to time;

National Harbours Board Act—continued

(e) "*explosives*" means

- (i) any article or substance classified as an explosive by Department of Transport regulations (except "safety class ammunition" contemplated by said regulations) and any other article or substance of a similar nature but not including ship's ammunition;
- (ii) any article or substance classified as a Class A or Class B explosive by C.T.C. regulations and any other article or substance of a similar nature;
- (iii) any highly inflammable article or substance of such kind or quantity as should reasonably be known to the possessor thereof to constitute a serious danger to life or property;

Provided that by notice the Board may designate any article or substance whatsoever (including "safety class ammunition" contemplated by Department of Transport regulations and ship's ammunition) to be explosives for the purposes of this by-law; and

(f) "*ship's ammunition*" means any article or substance on board and necessary for the safety or defence of any vessel.

Explosives

88. No railway car or other vehicle of any nature whatsoever shall, while carrying explosives, enter, move within or depart from the harbour save with prior Board permission and upon such conditions (including any respecting liability) as may be imposed by the Board.

89. No vessel having explosives on board shall enter, move within or depart from the harbour save with prior Board permission and upon such conditions (including any respecting liability) as may be imposed by the Board, and in no case shall any such vessel enter, move within or depart from the harbour in fog, mist, falling snow or heavy rain unless there is clear visibility of at least one mile, nor shall any such vessel remain in the harbour after the time set by the Board for its departure.

90. Every vessel loading, unloading or having on board explosives shall display signals as follows:

- (a) From sunrise to sunset—International Code flag "B"; and
- (b) From sunset to sunrise—a red light visible from all directions.

91. Notwithstanding the provisions of section 35, no vessel shall move at a speed greater than six knots when passing any moored or anchored vessel displaying the signal set forth in section 90.

92. Every vessel having explosives on board shall have at all times a sufficient and competent crew to move and navigate the vessel.

93. A watch consisting of one or more competent persons shall be maintained constantly on every vessel having explosives on board and in the event of any danger, accident, disturbance or fire such watch shall immediately give an alarm and notify

- At Halifax—the Harbour Master;
- At Saint John—the Harbour Master;
- At Chicoutimi—the Port Manager;
- At Quebec—the Harbour Master;
- At Three Rivers—the Port Manager;

National Harbours Board Act—continued

At Montreal—the Harbour Master and Harbour Police;

At Churchill—the Port Manager;

At Vancouver—the Harbour Master.

94. Every vessel having explosives on board, when moored or anchored, shall have at all times at both bow and stern, a suitable tow line of steel wire securely fastened on deck by one end and hanging over the off-shore side of the vessel so that the other end, which shall be equipped with an eye, shall be suspended at a point not more than four feet from the water's surface.

95. The hatches of every vessel having explosives on board shall, when not in use, be kept closed and covered with tarpaulins securely battened.

96. Any lighter, barge, scow or other similar vessel lightering or otherwise transporting explosives to, from or within the harbour shall be a suitable non-self-propelled type and shall be moved by means of a tug which shall remain alongside for such time as the said vessel has any explosives on board.

97. No vessel whose sole or partial means of propulsion is a gasoline engine shall have explosives on board.

98. No explosives shall be loaded, unloaded or handled in the harbour whether or not on a vessel between sunset and sunrise without prior Board permission.

99. No artificial light, except electric lights or flash-lights of a non-spark type, shall be used in the harbour whether or not on a vessel where explosives are being loaded, unloaded or handled. Electric lights shall be in good condition and protected adequately by metal guards against breakage, and the wire of such lights shall be sound.

100. No person, when in or upon any place containing explosives, shall have in his possession whether or not on a vessel any match or other fire-producing device or wear or have in his possession any article or substance which might be capable of causing explosion or fire, and, for the purpose of enforcing this section, the Board shall possess the right of search.

Explosives and Other Dangerous Goods

101. No explosives or dangerous goods shall be loaded, unloaded or handled anywhere within the harbour except at such time and authorized place as may be permitted by the Board and upon such conditions (including any respecting liability) as may be imposed by the Board.

102. Every vessel having explosives or dangerous goods on board shall, before or immediately upon arrival in the harbour, make a special written report to the Board setting forth the kind, quantity and destination of such explosives or dangerous goods.

103. No vessel having explosives or dangerous goods on board shall moor or anchor in the harbour except at an authorized place and in the manner stipulated by the Board.

104. The Board may require that any vessel having on board explosives or dangerous goods shall be ready at all times to get underway under her own power or have a suitable tug standing by.

National Harbours Board Act—continued

105. Every vessel entering the harbour with explosives or dangerous goods for unloading therein shall unload them with all possible expedition at the time fixed by the Board.

106. (1) Every vessel loading or intending to load explosives or dangerous goods for outward movement from the harbour shall load them with all possible expedition at the time fixed by the Board and depart from the harbour without avoidable delay.

(2) When a vessel is delayed in loading or departing, the master or agent of such vessel shall report immediately to the Board the reason for and probable duration of the delay.

107. When explosives or dangerous goods are being loaded to or unloaded from any vessel, the work shall be done under the supervision and continuous presence of an officer of the vessel competent to direct the operation and in co-operation with the appropriate shore authorities.

108. No vessel loading, unloading or having on board explosives or dangerous goods shall engage in or permit any operation which might cause explosion or fire or in any other manner endanger life or property.

109. No explosives or dangerous goods shall be moved by vessel from the harbour unless they are packed, marked, labelled, described, certified, stowed and otherwise in conformity with Department of Transport regulations, nor moved by vessel from a place outside Canada to the harbour unless they are packed, marked, labelled, described, certified, stowed and otherwise in conformity with all relevant regulations of the country in which loaded to vessel and in no case in a manner less effective than that prescribed by Department of Transport regulations.

110. No explosives or dangerous goods shall be moved to or from the harbour by railway freight or railway express unless they are packed, marked, labelled, described, certified, loaded and otherwise in conformity with C.T.C. regulations.

111. No explosives or dangerous goods shall be moved to or from the harbour by means other than by vessel or railway unless they are packed, marked, labelled, described, certified, loaded and otherwise in conformity with all relevant official regulations and approved practices.

112. (1) No explosives or dangerous goods intended for shipment by vessel shall be brought to or placed upon any authorized place until the time declared by the vessel assigned for the carriage of such explosives or dangerous goods to be satisfactory for such vessel's prompt receipt thereof and notice of such declaration has been given to the Board.

(2) No explosives or dangerous goods intended for shipment by vessel shall be permitted to rest upon any authorized place in any greater quantity than is necessary to ensure the vessel's prompt receipt thereof.

113. Explosives or dangerous goods unloaded from any vessel shall be removed from the harbour without avoidable delay, and in the event of any delay, the person effecting the removal shall report immediately to the Board the reason for and probable duration of the delay.

National Harbours Board Act—continued

114. The Board may, at the risk and expense of the person in possession of explosives or dangerous goods which have been brought into the harbour otherwise than in conformity with section 112, or have not been removed in accordance with section 113, remove, destroy or otherwise dispose of such explosives or dangerous goods.

115. No explosives or dangerous goods shall be loaded, unloaded or handled except by persons assigned and competent to do such work and under the supervision and continuous presence of persons assigned and competent to direct the operation.

116. Explosives and dangerous goods, whether in any railway car, other vehicle or otherwise, shall, while within the harbour, be guarded constantly and adequately by the person in possession of such explosives or dangerous goods, and the Board may, at the risk and expense of the said person, arrange such guarding as it deems necessary.

117. Explosives or dangerous goods handled or placed in or upon any authorized place shall be so segregated as to kind and so segregated from other goods as to minimize danger to life and property.

118. Explosives or dangerous goods, while remaining in the open, shall be completely covered with tarpaulins or other suitable material and be marked with adequate warning signs visible from all directions.

119. Defective or damaged shipments of explosives or dangerous goods, or explosives or dangerous goods which have escaped or been spilt from their containers, shall immediately be rendered harmless by the person in possession of them and if this action is not taken the Board may, at the risk and expense of the said person, remove, destroy or otherwise dispose of such shipments, explosives or dangerous goods.

120. Safe, suitable and sufficient equipment shall be used in loading, unloading and handling explosives or dangerous goods and such equipment shall be maintained and used in a safe and efficient manner.

121. No fire which might cause either explosion or other fires shall be permitted while explosives or dangerous goods are being loaded, unloaded or handled. Any fire that is permitted must be properly safeguarded and be in the constant charge of a competent person assigned for that purpose.

122. Sufficient fire-extinguishing equipment of a suitable type to cope with incipient fires while explosives or dangerous goods are being loaded, unloaded or handled shall be provided by the person in possession of such explosives or dangerous goods and shall be maintained ready by the said person for immediate use.

123. No person, when in or upon any place containing explosives or dangerous goods, shall smoke or have in his possession any lighted match or other lighted fire-producing device.

124. Every vessel loading, unloading or having on board explosives or dangerous goods may be required to display "No Smoking" signs in prominent positions.

125. No unauthorized person shall be present or permitted to be present in any authorized place containing explosives or dangerous goods or on any vessel loading, unloading or having on board explosives or dangerous goods.

National Harbours Board Act—continued

126. No person shall handle explosives or dangerous goods roughly or carelessly or while under the influence of intoxicants, or be guilty of any other act or omission which might damage the explosives or dangerous goods or cause explosion or fire in the harbour or in any other manner endanger life or property.

PART IV—OFFENCES AND PENALTIES

127. Every person is guilty of an offence against this by-law who violates or fails to observe any provision of this by-law, or who, having any other person under his command or direction, knowingly or negligently permits such other person to violate or fail to observe any provision of this by-law, and no action taken by the Board as provided under sections 4, 18, 19, 20, 23, 32, 84, 114, 116, and 119 of this by-law shall relieve any person guilty of an offence against this by-law from the penalties prescribed by section 128 following.

128. Every person guilty of an offence against this by-law shall be liable, upon summary conviction, to a penalty not exceeding \$500 or imprisonment for a period not exceeding sixty days, or, in default of payment of a pecuniary penalty and of the costs of conviction, to imprisonment for a period not exceeding thirty days.

3. Other By-laws of the Board

The following By-laws of the Board deal with tariffs of tolls and dues for the use of the facilities of the Board and services supplied to users at the several harbours under the jurisdiction of the Board. Copies of any of these By-laws may be obtained on application to the Secretary, National Harbours Board, Ottawa, or to the local office of the harbour in which they are applicable:

- (1) By-law B-1, being Tariff of Harbour Dues applicable at the Harbours of Halifax, Saint John, Chicoutimi, Quebec, Three Rivers, Montreal and Churchill.
- (2) By-law B-2, being Tariff of Dockage, Buoyage and Anchorage Charges applicable at the Harbours of Halifax, Saint John, Chicoutimi, Quebec, Three Rivers, Montreal and Churchill.
- (3) By-law B-3, being Tariff of Top Wharfage Charges applicable at the Harbours of Halifax, Saint John, Chicoutimi, Quebec, Three Rivers, Montreal and Churchill.
- (4) By-law Halifax B-6(a), being Tariff of Charges at National Harbours Board Cold Storage Warehouse at Halifax Harbour.
- (5) By-law Halifax B-6(b), being Tariff of Charges at National Harbours Board Storage Warehouse on Pier No. 2 at Halifax Harbour.
- (6) By-law Halifax B-6(c), being Tariff of Charges on Perishable Goods at National Harbours Board Special Facilities at Halifax Harbour.
- (7) By-law Saint John B-6(a), being Tariff of Charges on Perishable Goods at National Harbours Board Special Facilities at Saint John Harbour.
- (8) By-law Quebec B-6(a), being Tariff of Charges at National Harbours Board Cold Storage Warehouse at Quebec Harbour.

National Harbours Board Act—continued

- (9) By-law Montreal B-6(a), being Tariff of Charges at National Harbours Board Cold Storage Warehouse at Montreal Harbour.
- (10) By-law Halifax B-7, being Tariff of Grain Elevator Charges at National Harbours Board Grain Elevator at Halifax Harbour.
- (11) By-law Quebec B-7, being Tariff of Grain Elevator Charges at National Harbours Board Grain Elevator at Quebec Harbour.
- (12) By-law Montreal B-7, being Tariff of Grain Elevator Charges at National Harbours Board Grain Elevators at Montreal Harbour.
- (13) By-law Prescott B-7, being Tariff of Grain Elevator Charges at National Harbours Board Grain Elevator at Prescott.
- (14) By-law Port Colborne B-7, being Tariff of Grain Elevator Charges at National Harbours Board Grain Elevator at Port Colborne.
- (15) By-law Churchill B-7, being Tariff of Grain Elevator Charges at National Harbours Board Grain Elevator at Churchill.
- (16) By-law Quebec B-8, being Tariff of Railway Charges at the Harbour of Quebec.
- (17) By-law Montreal B-8, being Tariff of Railway Charges at the Harbour of Montreal.
- (18) By-law Halifax B-9(a), being Tariff of Heavy-Lift Charges *re* N.H.B.H. Floating Crane No. 1 at Halifax Harbour.
- (19) By-law Saint John B-9(a), being Tariff of Heavy-Lift Charges *re* Floating Derrick-Crane "Glenbuckie" at Saint John Harbour.
- (20) By-law Saint John B-9(b), being Tariff of Heavy-Lift Charges *re* N.H.B. St. J. Floating Crane No. 1 at Saint John Harbour.
- (21) By-law Quebec B-9(a), being Tariff of Heavy-Lift Charges *re* "N.H.B.Q. Floating Crane No. 1" at Quebec Harbour.
- (22) By-law Montreal B-9(a), being Tariff of Heavy-Lift Charges *re* "N.H.B.M. Floating Crane No. 1" at Montreal Harbour.
- (23) By-law Saint John B-10, being Tariff of Locomotive Crane Charges at Saint John Harbour.
- (24) By-law Quebec B-10, being Tariff of Locomotive Crane Charges at Quebec Harbour.
- (25) By-law Montreal B-10, being Tariff of Locomotive Crane Charges at Montreal Harbour.
- (26) By-law Halifax B-11, being Tariff of Water Service Charges at Halifax Harbour.
- (27) By-law Saint John B-11, being Tariff of Water Service Charges at Saint John Harbour.
- (28) By-law Chicoutimi B-11, being Tariff of Water Service Charges at Chicoutimi Harbour.
- (29) By-law Quebec B-11, being Tariff of Water Service Charges at Quebec Harbour.
- (30) By-law Three Rivers B-11, being Tariff of Water Service Charges at Three Rivers Harbour.
- (31) By-law Montreal B-11, being Tariff of Water Service Charges at Montreal Harbour.

National Harbours Board Act—concluded

- (32) By-law Churchill B-11, being Tariff of Water Service Charges at Churchill Harbour.
- (33) By-law Halifax B-12, being Tariff of Electric Service Charges at Halifax Harbour.
- (34) By-law Quebec B-12, being Tariff of Electric Service Charges at Quebec Harbour.
- (35) By-law Montreal B-12, being Tariff of Electric Service Charges at Montreal Harbour.
- (36) By-law Montreal B-13, being Tariff of Bridge Tolls at Jacques Cartier Bridge at Montreal Harbour.
- (37) By-law Vancouver B-1, being Tariff of Harbour Dues at Vancouver Harbour.
- (38) By-law Vancouver B-2, being Tariff of Dockage, Buoyage and Booming Ground Charges at Vancouver Harbour.
- (39) By-law Vancouver B-4(a), being Tariff of Wharf Charges at National Harbours Board Facilities at Vancouver Harbour.
- (40) By-law Vancouver B-4(b), being Tariff of Wharf Charges at National Harbours Board Oil Storage and Handling Facilities at Vancouver Harbour.
- (41) By-law Vancouver B-4(c), being Tariff of Wharf Charges at National Harbours Board Fishermen's Wharf at Vancouver Harbour.
- (42) By-law Vancouver B-5, being Tariff of Cargo Rates at Vancouver Harbour.
- (43) By-law Vancouver B-10(a), being Tariff of Crane Charges, *re* Electric Cranes at Ballantyne Pier at Vancouver Harbour.
- (44) By-law Vancouver B-10(b), being Tariff of Heavy-Lift Charges *re* Fixed Crane at Lapointe Pier at Vancouver Harbour.
- (45) By-law Vancouver B-11, being Tariff of Water Service Charges at Vancouver Harbour.
- (46) By-law Vancouver B-12, being Tariff of Electric Service Charges at Vancouver Harbour.

NATIONAL HOUSING ACT. (R.S.C., 1952, c. 188)

National Housing Regulations

P.C. 1954-1808

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Public Works and pursuant to the National Housing Act, Revised Statutes of Canada, 1952, chapter 188, is pleased to order as follows:

1. The following regulations are hereby revoked:

- (1) The Home Extension Regulations, 1946, established by Order in Council P.C. 1181 of 28th March, 1946;

National Housing Act—continued

- (2) The Home Improvement Regulations, 1951, established by Order in Council P.C. 4187 of 15th August, 1951;
- (3) The Defence Workers' Housing Loans Regulations, established by Order in Council P.C. 5412 of 9th October 1951, as amended; and
- (4) The National Housing Regulations, established by Order in Council P.C. 744 of 7th February 1952, as amended.

2. The annexed "National Housing Regulations" are hereby made and established in substitution for the regulations hereby revoked.

NATIONAL HOUSING REGULATIONS

1. These regulations may be cited as the *National Housing Regulations*.

2. In these regulations,

- (a) "Act" means the National Housing Act;
- (b) "duplex" means a house containing two family housing units, one of which is to be occupied by the owner, built one above the other or side by side, with separate entrances;
- (c) "fully serviced unit" means a housing unit supplied with heating hot and cold water, stove, refrigerator and full janitor service;
- (d) "long term lease" means a lease, the term of which extends at least twenty years beyond the maturity date of a mortgage taken on such lease to secure a loan made under the Act;

and other words and expressions shall, unless a contrary intention is indicated, have the same meaning as in the Act.

3. Subject to sections 4, 5 and 6, a joint loan made to assist in the construction of a one-family dwelling shall not exceed \$8,500.

4. In the case of a one-family dwelling of less than five standard rooms and comprising an area of 750 square feet or less, the joint loan shall not exceed \$5,000, but may be increased by four dollars per square foot for each square foot by which the area exceeds 750 square feet to a maximum of \$6,200; provided that in localities where the costs of construction are higher than average costs and where collateral security satisfactory to the Corporation can be furnished in addition to the first mortgage, these amounts may, with the approval of the Corporation, be increased.

5. A joint loan made under section 7 of the Act to assist in the construction of a duplex, which is secured by one mortgage only, shall not exceed \$11,600 where fixed and immovable heating equipment sufficient to accommodate both units is installed, but where such equipment is not provided the said amount shall be proportionately reduced.

6. Notwithstanding the provisions of sections 3, 4 and 5, a joint loan made pursuant to Part I of the Act where the cost of construction of the house to the home owner or the selling price of the house to the home purchaser does not exceed an amount that has been determined by the Corporation shall be subject to the following limitations:

- (a) in the case of a one-family dwelling of less than five standard rooms the joint loan shall not exceed \$7,000;

National Housing Act—continued

- (b) in the case of a one-family dwelling of five standard rooms the joint loan shall not exceed \$8,500;
- (c) in the case of a one-family dwelling of six or more standard rooms the joint loan shall not exceed \$10,000; and
- (d) in the case of a duplex the joint loan shall not exceed \$13,200.

7. (1) Subject to the provisions of subsection (7) a joint loan made to assist in the construction of a fully serviced multiple family dwelling financed under section 13 of the Act shall, in respect of each family housing unit therein, not exceed a maximum of \$5,300 where the average size of the units is 800 square feet; provided that where the principal amount of the loan is to be repaid at an average rate of not less than five per cent per annum during the first five years of the term of the loan such maximum shall be,

- (a) in the case of a building of non-fireproof construction, \$5,800; and
- (b) in the case of a building, the construction of which is superior to non-fireproof construction, the maximum may be increased but shall not in any case exceed \$6,200 per unit for fully fireproof construction.

(2) Where the average size of the units is more than 800 square feet the maximum per unit may be increased,

- (a) in the case of the multiple family dwelling that qualifies for the maximum loan of \$5,300 per unit for 800 square feet, by \$3.75 for each square foot by which the average exceeds 800 square feet, but such maximum shall not in any event exceed \$6,050 per unit;
- (b) in the case of a multiple family dwelling that qualifies for a maximum loan of \$5,800 per unit for 800 square feet, by \$4.50 for each square foot by which the average exceeds 800 square feet, but such maximum shall not in any event exceed \$6,700 per unit; and
- (c) in the case of a multiple family dwelling that qualifies for a maximum loan of \$6,200 per unit for 800 square feet, by \$5 for each square foot by which the average exceeds 800 square feet, but such maximum shall not in any event exceed \$7,200 per unit.

(3) Where the average size of the units is less than 800 square feet, the maximum per unit shall be decreased,

- (a) in the case of a multiple family dwelling that qualifies for a maximum loan of \$5,300 per unit for 800 square feet, by \$2.50 for each square foot by which the average is less than 800 square feet;
- (b) in the case of a multiple family dwelling that qualifies for a maximum loan of \$5,800 per unit for 800 square feet, by \$3.20 for each square foot by which the average is less than 800 square feet; and
- (c) in the case of a multiple family dwelling that qualifies for a maximum loan of \$6,200 per unit for 800 square feet, by \$3.70 for each square foot by which the average is less than 800 square feet.

National Housing Act—continued

(4) Where a project, the construction of which is being assisted by a loan made under section 13 of the Act, contains garages or other commercial buildings, in addition to family housing units, or where elevators are provided or where the municipal services pertinent to the project are fully paid for at the date of completion of the project, the loan may be increased above the amount allowed in respect of the family housing units by an amount not exceeding eighty per cent of the estimated costs of such garages, commercial buildings, elevators and municipal services.

(5) To the extent that the units of a project are not fully serviced, the maximum amount of the loan shall be reduced accordingly.

(6) For the purpose of this section, the average area per unit is determined by dividing the total floor area, measured from the outside face of the exterior walls, less any basement area used for other than living quarters, by the number of units in the multiple family dwelling.

(7) When a project financed under section 13 of the Act contains one-family dwellings or semi-detached dwelling or rows of semi-detached dwellings, the amount of the loan in respect of such dwelling shall be governed by the limitations imposed by sections 3 and 4 of these regulations.

8. Before a joint loan repayable over a period in excess of twenty-five years but not exceeding thirty years is approved by the Corporation pursuant to subsection (4) of section 13 of the Act, the Corporation shall satisfy itself that,

- (a) units of the rental housing project in respect of which the loan is being made
 - (i) have an average of not less than three and one-half standard rooms and bathroom;
 - (ii) have an average of one and one-half bedrooms;
 - (iii) have an average area of not less than 700 square feet determined in the manner prescribed by subsection (6) of section 7; and
- (b) the rental to be charged for the units will not, during the first three years after the completion of the project, exceed the maximum rentals specified in section 14.

9. The only charges for obtaining a joint loan payable by a borrower are the following:

- (a) solicitor's or notary's fee and disbursements,
 - (i) for searching the title to the property;
 - (ii) for preparing and registering the mortgage or hypothec and necessary copies thereof;
 - (iii) for sub-searches of title necessary for the purpose of advances;
 - (iv) for preparing, registering and renewing chattel mortgages and other security;

National Housing Act—continued

- (b) for appraisal and inspection,
in the case of a one-family dwelling, \$20;
in the case of an owner-occupied duplex, \$35;
provided that in the case of a housing development of one-family dwellings financed under Part I of the Act the following appraisal and inspection fees are payable for each housing unit
- | | |
|--|------|
| 50 housing units or less | \$20 |
| in excess of 50 but not more than 100.. | \$18 |
| in excess of 100 but not more than 150.. | \$16 |
| in excess of 150 but not more than 200.. | \$14 |
| in excess of 200 | \$12 |
- (c) for appraisal and inspection in the case of a rental housing project,
for the first housing unit..... \$20
for the second housing unit..... \$15
for the third housing unit..... \$10
for each additional housing unit..... \$5

10. For the purpose of determining the credits to be made to a loss guarantee account established under an agreement between Her Majesty, represented by the Corporation, and an approved lending institution, made pursuant to the provisions of Part I and section 13 of Part II of the Act, areas in Canada are hereby designated as Category One and Category Two, as set forth in Schedule "A" hereto.

11. The Corporation may approve the assignment of the interest of an approved lending institution in a joint loan to another approved lending institution, and may at the time of such assignment deduct from the pool guarantee account of the assignor an amount not exceeding the amount credited to the said account in respect of the said loan, and may credit the pool guarantee account of the assignee with a like amount.

12. The annual premium to be paid by a builder for a guarantee of a return of rentals given under section 14 of the Act shall be,

- (a) when the term of the guarantee is ten years, $1\frac{3}{4}$ per centum of the return of rentals guaranteed for the first year after the completion of the project;
(b) when the term of the guarantee is twenty years, 2 per centum of the return of rentals guaranteed for the first year after the completion of the project; and
(c) when the term of the guarantee is thirty years, $2\frac{1}{4}$ per centum of the return of rentals guaranteed for the first year after the completion of the project.

13. The units of a rental housing project in respect of which a guarantee of a return of rentals may be given under section 14 of the Act shall

- (a) have an average of not less than three and one-half standard rooms and bathroom;
(b) have an average of one and one-half bedrooms; and
(c) have an average area of not less than 700 square feet determined in the manner prescribed by subsection (6) of section 7.

14. (1) The maximum rentals that may be charged in accordance with the agreement between the builder and the corporation for the family

National Housing Act—continued

housing units of a project in respect of which a guarantee of a return of rentals is being given under section 14 of the Act for the first three years after the completion of the project shall, subject to the provisions of this section, for a rental housing unit comprising 800 square feet, not exceed \$61 a month; provided that to the extent that the said unit is supplied by the landlord with services the said rental may be adjusted accordingly but shall not exceed \$87 for a fully serviced unit; and further provided that where the project is of fully fireproof construction the said maximum rentals may be increased by an amount not exceeding \$4 a month per unit.

(2) The maximum rentals referred to in subsection (1) for fully serviced units varying from the 800 square foot base shall be calculated by adding seven cents a month for each square foot by which the area of the unit exceeds 800 square feet and by subtracting five cents a month for each square foot by which the unit is less than 800 square feet.

(3) The maximum rentals for units not being fully serviced varying from the 800 square foot base shall be calculated by adding five cents a month for each square foot by which the area of the unit exceeds 800 square feet and by subtracting four cents a month for each square foot by which the unit is less than 800 square feet.

15. The annual return of rentals that may be guaranteed pursuant to section 14 of the Act in respect of a unit shall not exceed 85 per centum of the maximum rentals determined in accordance with section 14.

16. (1) A loan by the Corporation pursuant to sections 43 and 15 of the Act shall not exceed an amount equal to the lesser of 85 per centum of

(a) the estimated cost as determined by the Corporation of the rental housing project, or

(b) the actual costs thereof as established by the builder to the satisfaction of the Corporation on completion of the project.

(2) For the purpose of this section actual costs of the project may include such allowance as the Corporation may make as profit to the builder.

17. The rate of interest payable by a borrower in respect of a loan made pursuant to section 7 of the Act shall not exceed a rate of $5\frac{1}{4}$ per centum per annum calculated semi-annually.

18. The rate of interest payable by a borrower in respect of a loan made pursuant to section 13 of the Act shall not exceed a rate of $5\frac{1}{4}$ per centum per annum calculated semi-annually.

19. The rate of interest payable by a borrower in respect of a loan made pursuant to section 15 of the Act shall not exceed a rate of 5 per centum per annum calculated semi-annually.

20. The rate of interest payable by a borrower in respect of a loan made pursuant to section 16 of the Act shall not exceed a rate of $3\frac{3}{4}$ per centum per annum calculated semi-annually.

21. The rate of interest payable by a borrower in respect of a loan made pursuant to section 17 of the Act shall not exceed a rate of $4\frac{3}{4}$ per centum per annum calculated semi-annually.

22. The rate of interest payable by a borrower in respect of a loan made pursuant to section 24 of the Act shall not exceed a rate of $5\frac{1}{4}$ per centum per annum calculated semi-annually.

National Housing Act—continued

DEFENCE WORKERS' HOUSING LOANS

23. For the purposes of the Defence Workers' Housing Loans,

- (a) "certified defence worker" means a person certified by his employer to be engaged in the production of defence supplies in a plant designated in whole or in part by the Department of Defence Production as a defence plant; and
- (b) "completion" or "date of completion" of a house or housing project means the date determined by the Corporation when the house or project is substantially completed and ready for occupancy.

24. The Corporation is hereby authorized to make loans within the terms of the Act,

- (a) to a certified defence worker to assist in the construction of a house to be owned and occupied by him;
- (b) to builders to assist in the construction of houses for sale to certified defence workers; and
- (c) to builders to assist in the construction of rental housing projects pursuant to section 14 of the Act.

25. No loan shall be made unless the house or project is located in an area which, in the opinion of the Corporation, is reasonably accessible to the defence plant.

26. To qualify for a loan,

- (a) a bungalow with four standard rooms shall have not more than eight hundred and thirty-five square feet of livable floor area;
- (b) a bungalow with five standard rooms shall have not more than nine hundred and thirty-five square feet of livable floor area;
- (c) a house of one storey and a half with five standard rooms shall have not more than ten hundred and fifty square feet of livable floor area;
- (d) a house of one storey and a half with six standard rooms shall have not more than eleven hundred and sixty square feet of livable floor area;
- (e) a two-storey house with six standard rooms shall have not more than twelve hundred and fifty square feet of livable floor area;
- (f) a duplex shall have not more than twenty-one hundred square feet of livable floor area;
- (g) a bungalow with six standard rooms shall have not more than ten hundred and fifty square feet of livable floor area.

27. The amount of the loan in respect of each house shall not exceed the aggregate of,

- (a) an amount equal to eighty per centum of the lending value thereof (hereinafter called "the basic loan"); and
- (b) an amount equal to one-eighth of such basic loan (hereinafter called "the additional loan").

28. Before making a loan to a certified defence worker, the Corporation shall satisfy itself that the cost of the house, including land, to the certified defence worker does not exceed the lending value thereof as determined by the Corporation.

National Housing Act—continued

29. A loan to a builder to assist in the construction of a house for sale to a certified defence worker shall be subject to the following conditions:

- (a) the selling price (hereinafter called "the maximum sale price") shall not exceed the lending value of the house as determined by the Corporation, together with carrying charges actually disbursed by the builder between the date of completion of the house and the date of sale;
- (b) the builder shall offer the house for sale only to certified defence workers for the period of two months immediately following the date of completion;
- (c) in the event of the sale of the house after the said period of two months to a purchaser other than a certified defence worker the total loan shall be reduced by the amount of the additional loan;
- (d) a house shall not be sold by the builder prior to its completion, nor shall any commitment for its sale be given by the builder prior to such time;
- (e) there shall be held back out of the basic loan fifteen per centum of the amount of the basic loan and the full amount of the additional loan until the sale of the house.

30. A certified defence worker building or purchasing a house shall agree to give a direction to his employer that payments of principal, interest and taxes under the mortgage shall be made by his employer by means of payroll deductions.

31. (1) The period of a loan to assist in the construction of a house under these regulations shall be twenty-five years, unless a shorter period is requested by the certified defence worker.

(2) The mortgage shall contain a provision to the effect that in the event of the house ceasing to be occupied by the original certified defence worker or by another certified defence worker during the five-year period immediately following the date of completion of the house, one-ninth of the original amount of the loan, if advanced, shall forthwith become due and payable.

32. The Corporation may enter into a contract with a builder in respect of the construction of houses for sale by such builder to prospective home owners who are certified defence workers and such contract shall, among other things, provide that,

- (a) the builder shall finance the construction of the house under the provisions of the Act and in accord with these regulations;
- (b) the Corporation shall agree to purchase from the builder during the three months' period immediately following the two months' period referred to in paragraph (b) of section twenty-nine at a price (hereinafter called "the buy back price") fixed in the contract any house built pursuant to the contract that remains unsold;
- (c) the buy back price shall be ninety-five per centum of the maximum sale price, together with carrying charges disbursed by the builder between the date of completion and the purchase by the Corporation of the house;
- (d) in consideration of the Corporation agreeing to purchase the house from the builder, the builder shall pay to the Corporation a premium equal to one-third of one per centum of the buy back price.

National Housing Act—continued

33. In respect of rental housing projects for the occupancy of certified defence workers, the rentals of which are guaranteed under section 14 of the Act and the construction of which is financed under section 15 of the Act, the contract with the builder shall, among other things, provide that,

- (a) the units of the project shall be rented during the first two months immediately after completion of the project only to certified defence workers;
- (b) in the event of a unit of the project becoming vacant during the first five years immediately after completion of the project, such unit shall be rerented only to a certified defence worker, unless otherwise authorised by the Corporation;
- (c) the rents to be charged in respect of the units of the project shall not exceed during the period of two years immediately following the three-year period mentioned in paragraph (b) of subsection (4) of section 14 of the Act an amount to be determined by the Corporation;
- (d) the term of a lease of a unit of the project during the said five-year period immediately following the date of completion of the project shall not exceed one year; provided that if the tenant is not a certified defence worker the lease with him shall not be renewed until the builder has offered the unit for rent to certified defence workers;
- (e) such other things be done as the Corporation may consider desirable or necessary to ensure that the units of the project shall be available to the certified defence workers for whom it is intended;
- (f) pursuant to the provisions of subsection (5) of section 14 of the Act, the annual return of rentals that may be guaranteed by the Corporation in respect of such project shall not exceed eighty-five per centum of the annual rentals of the units of the project determined by the Corporation as aforesaid, and the loan pursuant to section 15 shall not exceed eighty-five per centum of the estimated cost of the project as determined by the Corporation.

HOME EXTENSION LOANS

34. For the purposes of Home Extension loans,

- (a) "alterations and additions" means such alterations and additions as are required to add one or more family housing units to an existing home and without limiting the generality of the foregoing shall include work relative thereto involving expenditure for labour, materials, and equipment in connection with:
 - (i) structural alterations to an exterior or interior of a home;
 - (ii) additions to a home, including the addition of one or more rooms or storeys;
 - (iii) the erection of or alterations or additions to an attached or detached garage or outbuildings but excluding the erection of the principal dwelling;
 - (iv) demolition or moving of buildings;

National Housing Act—continued

- (v) the purchase, installation, repair or improvement of heating systems, including equipment to be permanently installed, such as stokers, oil-burners and wood, coal gas and electric furnaces and boilers, which are a part of such system;
 - (vi) the purchase, installation, repair or improvement of electric light and power systems, including private lighting and power plants and connections to power lines to be permanently installed;
 - (vii) the purchase, installation, repair or improvement of fire control systems and plumbing systems, including water-heaters, sinks, tubs and other plumbing fixtures, to be permanently installed;
 - (viii) the purchase, installation, repair or improvement of built-in air-conditioning and heat-control systems;
 - (ix) painting, paperhanging, and general decorating but excluding such items as curtains, drapes and rugs, provided that an overall floor covering made, cut or prepared to fit a particular room may be included;
 - (x) The purchase, construction, installation, repair or improvement of a sewage disposal system or any portion thereof, including septic tanks and connections to public sewers;
- (b) "home" includes
- (i) a one-family or multiple-family dwelling which is occupied or suitable for occupancy, together with garages and other incidental outbuildings located on the same lot or adjoining lot of which the borrower is the owner; and
 - (ii) a building containing a combined store and dwelling provided that the part of the building to which the alterations and additions are to be made may be fairly described as a dwelling;
- Provided that a home shall not include a farm dwelling or a building used as a hotel or a summer residence or a dwelling used for seasonal occupancy;
- (c) "lender" means a bank or an approved instalment credit agency;
 - (d) "loan" means a home extension loan;
 - (e) "owner" means any person, firm, partnership, estate, trustee, corporation, or other entity capable of holding and holding real or immovable property; and shall include a mortgagor of property who has an equity of redemption therein under a mortgage, trust agreement, or contract; a mortgagee of property who is in possession thereof; a purchaser of property under an agreement for sale which has either been registered or recorded by way of caveat; a lessee of property under a lease expiring not less than three years after the maturity of any loan made to such lessee under the Act; a lessee of land under a lease from the Crown or from any municipality or from any corporation, provided the lessee owns a home located thereon;
 - (f) "responsible officer" includes the president, vice-president, secretary, treasurer, general manager, branch manager, assistant manager, supervisor or accountant of a bank or approved instalment credit agency and the person for the time being acting in such capacity;
 - (g) "schedule" means Schedule "B" to these regulations.

National Housing Act—continued

Application for Loan

35. (1) An applicant for a loan shall submit a signed application in triplicate in Form H.E. 1 in the schedule or a form to the like effect together with plans and specifications in duplicate of the proposed alterations or additions; the plans shall be at least as detailed as are required for purposes of the local building inspector.

(2) A responsible officer of the lender shall scrutinize and check the application with the care required of him by the lender in the conduct of its ordinary business and shall certify that to the best of his knowledge the conditions and purpose of the loan are such as to qualify it as a guaranteed home extension loan.

(3) The application, plans and specifications shall be submitted in duplicate by the lender to the Corporation for approval.

(4) The Corporation shall advise the lender of its decision and until the application has been approved in writing by the Corporation any loan made thereunder shall not qualify as a guaranteed home extension loan.

(5) The Corporation may require a credit report on the borrower.

(6) In no event shall the amount of the loan, when added to the amount of existing encumbrances against the property, exceed the appraised value of the completed property as determined by the Corporation.

36. In no event shall a loan be made with respect to any property upon which all municipal taxes, rates, assessments and local improvement taxes have not been paid in full to the last due date.

Promissory Note

37. (1) Every promissory note for a loan shall be in Form H.E. 2 in the schedule or a form to the like effect and shall be signed as maker by an owner of the home upon which the proceeds of the loan are to be expended; the note shall be repayable in equal monthly instalments subject to any necessary adjustment in the final instalment so that total payments will equal the face amount of the note.

(2) Where the owner is a married person and the loan is made in respect of a one-family dwelling which is occupied by the owner the note shall be endorsed by the husband or wife of such owner, unless at the request of the lender this requirement is specifically waived by the Corporation in approving an application for a loan; provided that in respect of loans made in the Province of Quebec the wife of an owner shall not be required to endorse the note.

(3) Except in the case of a loan provided for in subsection (2), where the owner is a married person the note shall also be signed as maker by the husband or wife of such owner, unless at the request of the lender this requirement is specifically waived by the Corporation in approving an application for a loan; provided that in respect of loans made in the Province of Quebec the wife of an owner shall not be required to sign the note.

Security for Loans

38. If a loan is made other than to an owner who occupies a one-family dwelling in respect of which the proceeds of the loan are to be expended the lender at the inception of the loan, or at any time prior to

National Housing Act—continued

default, may take such security as the Corporation may authorize in addition to the signature of the husband or wife of the owner referred to in section 37.

Rate of Interest

39. The rate of interest which may be charged by a lender shall not exceed an effective rate of five per centum per annum so long as the borrower is not in default; interest shall be calculated in accordance with the tables 1 and 2 of Schedule "D", provided that where an overcharge is made by the lender in good faith and the borrower is credited with the amount of such overcharge upon discovery by the lender or upon notification in writing by the Corporation to the lender, the liability of the Corporation to the lender shall not be discharged to any extent.

40. A note may provide for the payment of interest by the maker at the rate of six per centum per annum from the date of default until payment.

Misrepresentation and Misapplication of Funds

41. If a lender discovers that a statement in an application for a loan is false in any material respect or that a borrower has used or is using the proceeds of a loan otherwise than for the purpose specified in the application the lender may take any action which the lender deems proper in the circumstances and the lender shall immediately report the situation to the Corporation which may request the lender to take such action or further action as it may require.

42. If, despite the fact that an application has been scrutinized and checked by a responsible officer of the lender with the care required of him by the lender in the conduct of its ordinary business, it is discovered that a false material statement has been made therein or that the proceeds of the loan have been or are being used otherwise than for the purpose specified in the application, the liability of the Corporation to the lender under the Act shall not for such reason be discharged to any extent.

When Entire Amount Becomes Due and Payable

43. If the borrower is in default in respect of any payment for a period greater than thirty days, the balance of the loan outstanding shall at the option of the lender thereupon become due and payable.

Procedure on Default

44. After the balance of the loan outstanding has become due and payable, whether under section 43 or otherwise, the lender may:

- (a) take such steps whether by legal proceedings or otherwise as it considers advisable to effect collection of the loan;
- (b) obtain whatever security it considers advisable under the circumstances;
- (c) realize upon its security to whatever extent it deems advisable;
- (d) to the extent that it considers advisable effect any compromise with or grant any concession to any person other than the borrower;

all without in any way discharging the liability of the Corporation to the lender under the Act to any extent.

National Housing Act—continued

Revision of Terms of Loan

45. (1) Where a borrower is in default or advises the lender that some of the terms of his agreement in connection with his loan are such that he will have to default and where in either case the lender is of the opinion that a revision of some of the terms of the agreement will enable the borrower to meet his obligation the lender may with the borrower's approval, alter or revise the agreement in any or all of the following ways:

- (a) extend the time within which the loan must be entirely repaid, even if such extension exceeds the terms of section 27 (1) (f) of the Act;
- (b) reduce the amount of periodic instalments or increase them if they are to be paid less frequently;
- (c) increase or decrease the periods between such instalments but in no case are such periods to exceed one year.

(2) Where the terms of the altered or revised agreement do not exceed the limitations imposed by section 27 (1) (f) of the Act the liability of the Corporation to the lender under the Act shall not be discharged if the lender notifies the Corporation promptly by registered mail of such alteration or revision and the reasons therefor.

(3) Where the terms of the altered or revised agreement would result in the limitations imposed by section 27 (1) (f) of the Act being exceeded, the agreement shall not become effective until the lender has received the approval of the Corporation; upon such approval the alteration or revision shall not discharge the liability of the Corporation to the lender under the Act to any extent.

Reports to Corporation

46. (1) The lender shall send to the Corporation within thirty days following the last day of March, June, September and December, respectively, quarterly reports showing particulars of loans made in the quarterly period in Form H.E. 3 in the Schedule or a form to the like effect.

(2) The lender shall send to the Corporation within thirty days following the last day of March, June, September and December, respectively, quarterly reports showing particulars of loans in default for over sixty days in Form H.E. 4 in the Schedule or a form to the like effect.

(3) The lender shall furnish such other information as the Corporation may require from time to time.

Claims

47. (1) Claims for loss sustained by the lender in any loan may be made to the Corporation at any time after the balance of the loan outstanding becomes due and payable whether as provided in section 43 or otherwise.

(2) Where the lender has not claimed under subsection (1) further efforts to collect shall be made and if the aggregate payments made by the borrower during the first year after the balance of the loan outstanding became due and payable, whether as provided in section 43 or otherwise, do not amount to ten per centum of such balance, claim shall be made

National Housing Act—continued

to the Corporation within sixty days after the end of such year or thereafter if the Corporation approves; if ten per centum or more thereof has been paid and in any subsequent six-month period the aggregate payments made by the borrower do not amount to five per centum of such balance, claim shall be made to the Corporation within sixty days after the end of such period or thereafter if the Corporation approves.

48. A claim shall be submitted by the lender in Form H.E. 5 in the Schedule or a form to the like effect, accompanied by every note representing the loan.

49. (1) The amount of loss sustained by a lender in respect of a loan for which a claim for loss has been submitted shall include:—

- (a) an amount equal to the unpaid balance of the note upon the date when the balance of the loan outstanding became due and payable whether as provided in section 43 or otherwise, less any unearned discount at the said date;
- (b) interest at the rate of three per centum per annum on such amount from the said date until the claim is approved for payment; provided that if any payments were made on the loan to the lender after the said date they shall be credited first upon interest owing and the balance on principal and the amount of the said claim for loss shall be adjusted accordingly;
- (c) any uncollected taxed or taxable costs and any disbursements for or incidental to legal or other proceedings in connection with the loan; and
- (d) legal fees, costs and disbursements, whether taxable or not, actually incurred by the lender, whether with or without litigation, in collecting or endeavouring to collect the loan or in protecting the interests of the Corporation, but only to the extent which the Corporation taxes or allows.

(2) Notwithstanding that all moneys owing on the loan have been recovered from the borrower the Corporation may pay to the lender any amount falling within clauses (c) and (d) of subsection (1) provided such amounts cannot be recovered from the borrower.

(3) Claims for loss if in accordance with the Act and these regulations shall be approved for payment by the Corporation within sixty days after receipt thereof and shall thereupon be paid forthwith.

(4) Upon payment of the loss in respect of a guaranteed home extension loan being made by the Corporation the lender shall forward a receipt in favour of the Corporation in accordance with Form H.E. 6 in the Schedule or a form to the like effect.

(5) The lender shall deal with any security held by it for the said loan as the Corporation may direct and at the Corporation's expense.

Recoveries

50. Acting on behalf of the Corporation the lender shall, notwithstanding the full settlement of its claim for loss, take such reasonable steps as the Corporation may deem necessary to collect payments of principal and interest due by the borrower and realize upon any security provided

National Housing Act—continued

for under these regulations; such amounts as may be collected or realized to be remitted to the Corporation every six months; actual expenses of the lender in so collecting or attempting to collect or realize shall be paid by the Corporation to the lender.

HOME IMPROVEMENT LOANS

51. For the purposes of Home Improvement loans,

(a) "home" means

- (i) a one-family dwelling, a semi-detached dwelling or a multiple family dwelling containing not more than four family housing units which is occupied or suitable for occupancy, together with garages and other incidental outbuildings located on the same lot or adjoining lot of which the borrower is the owner;
- (ii) a building containing a combined store and dwelling but only if the building may be fairly considered as a dwelling place: provided that a home shall not include a building used as an hotel;

(b) "lender" means a bank or an approved instalment credit agency;

(c) "loan" means a home improvement loan;

(d) "owner" means any person, capable of holding and holding real or immovable property who has his ordinary residence in the home for the improvement of which the proceeds of the loan are to be expended, and includes a mortgagor of property who has an equity of redemption therein under a mortgage, trust agreement, or contract, a purchaser of property under an agreement for sale which has either been registered or recorded by way of caveat, a lessee of property under a lease expiring not less than three years after the maturity of any loan made to such lessee under the Act, a lessee of land under a lease from the Crown or from any municipality or from any corporation: provided that the lessee owns a home located thereon;

(e) "repairs, alterations and additions" means repairs, alterations or additions to a home intended for the improvement of such home and without limiting the generality of the foregoing includes work involving expenditures for labour, materials and equipment in connection with,

- (i) structural alterations or repairs to an exterior or interior of a home;
- (ii) additions to a home, including the addition of one or more rooms or storeys, but not including the addition of one or more family housing units for which purpose a home extension loan may be made under Part IV of the Act;
- (iii) the erection of or alterations or additions to an attached or detached garage or outbuildings but excluding the erection of the principal dwelling;
- (iv) the demolition or moving of buildings or part thereof;
- (v) the purchase, installation, repair or improvement of heating systems including equipment to be permanently installed, such as stokers, oil burners and wood, coal, gas and electric furnaces and boilers, which are a part thereof;

National Housing Act—continued

- (vi) the purchase, installation, repair or improvement of electric light and power systems, including private lighting and power plants and connections to power lines to be permanently installed;
 - (vii) the purchase, installation, repair or improvement of fire control systems and plumbing systems, including water-heaters, sinks, tubs and other plumbing fixtures to be permanently installed;
 - (viii) the purchase, installation, repair or improvement of built-in air-conditioning and heat-control systems;
 - (ix) painting, paperhanging, and general decorating including an overall floor covering made, cut or prepared to fit a particular room, but excluding such items as curtains, drapes and rugs;
 - (x) the purchase, construction, installation, repair or improvement of sewage disposal system or any portion thereof, including septic tanks and connections to public sewers;
 - (xi) the erection, repair or improvement of fences, the construction or repair of private driveways, roadways, sidewalks or curbs, and landscaping of a permanent character;
 - (xii) the sinking, making, installation, repair or improvement of wells and all types of water supply systems for the home;
- (f) "responsible officer" includes the president, vice-president, general manager, assistant general manager, secretary, treasurer, branch manager, assistant manager, supervisor or accountant of a bank or approved instalment credit agency and the person for the time being acting in such capacity;
- (g) "Schedule" means Schedule "C" to these regulations.

Application for Loan

52. (1) An applicant for a loan shall submit a signed application in duplicate on Form H.I. 1 in the Schedule.

(2) A responsible officer of the lender shall scrutinize and check the application with the care required of him by the lender in the conduct of its ordinary business and shall certify that to the best of his knowledge the conditions and purposes of the loan are such as to qualify it as a guaranteed loan, and that in his opinion from the information contained in the application the amount of the loan when added to the amount of existing encumbrances, including taxes, against the property will not exceed the value of the completed property.

(3) An application shall not require the approval of the Corporation but a copy thereof bearing the required certificate of a responsible officer shall be mailed to the Corporation by ordinary post with the monthly report for the month in which the loan was made, as required by subsection (1) of section 15, but any application inadvertently omitted from any report may be sent subsequently.

Promissory Note

53. (1) Every promissory note for a loan shall be in accordance with Form H.I. 2 in the Schedule and shall be signed as maker by an owner of the home for the improvement of which the proceeds of the loan are to be

National Housing Act—continued

expended; the note shall be repayable in equal monthly instalments subject to any necessary adjustment in the final instalment so that the total payments will equal the face amount of the note.

(2) Where the owner is a married person the note shall be endorsed by the husband or wife of such owner, unless at the request of the lender this requirement is specifically waived by the Corporation; provided that in respect of loans made in the Province of Quebec the wife of an owner shall not be required to endorse the note.

Security for Loans

54. If a loan is made other than to an owner who occupies a one-family dwelling in respect of which the proceeds of the loan are to be expended, the lender at the inception of the loan or at any time prior to default may take such security as may be deemed appropriate in the circumstances in addition to the endorsement of the husband or wife of the owner referred to in subsection (2) of section 5.

Rate of Interest

55. The rate of interest that may be charged by a lender shall not exceed an effective rate of five per centum per annum so long as the borrower is not in default; interest shall be calculated in accordance with the tables 1, 2 and 3 in Schedule "D" hereto: provided that where an overcharge is made by the lender in good faith and the borrower is credited with the amount of such overcharge upon discovery by the lender or upon notification in writing by the Corporation to the lender, the liability of the Corporation to the lender shall not be discharged to any extent.

56. A note may provide for the payment of interest by the maker at the rate of five per centum per annum from the date of default until payment.

Misrepresentation and Misapplication of Funds

57. Where a lender discovers that a statement in an application for loan is false in any material respect, or that a borrower has used or is using the proceeds of a loan otherwise than for the purpose specified in the application, the lender may take any action which the lender deems proper in the circumstances and the lender shall immediately report the situation to the Corporation which may request the lender to take such action or further action as it may require.

58. Where, notwithstanding that an application has been scrutinized and checked by a responsible officer of the lender with the care required of him by the lender in the conduct of its ordinary business, it is discovered that a false material statement has been made therein or that the proceeds of the loan have been or are being used otherwise than for the purpose specified in the application, the liability of the Corporation to the lender shall not for such reason be discharged to any extent.

When Entire Amount Becomes Due and Payable

59. Where a borrower is in default in respect of any payment for a period greater than thirty days, the balance of the loan outstanding shall at the option of the lender thereupon become due and payable; but the lender shall declare the loan due and payable when the principal amount in arrears is equal to or is in excess of six monthly instalments.

National Housing Act—continued*Procedure on Default*

60. After the balance of the loan outstanding has become due and payable, whether under section 11 or otherwise, the lender may,

- (a) take such steps whether by legal proceedings or otherwise as it considers advisable to effect collection of the loan;
- (b) obtain whatever security it considers advisable in the circumstances;
- (c) realize upon its security to such extent as it deems advisable;
- (d) to the extent that it considers advisable effect any compromise with or grant any concession to any person other than the borrower;

all without in any way discharging the liability of the Corporation to the lender to any extent.

61. Subject to the borrower's right to stipulate how a payment is to be applied the lender shall first apply all payments from or on behalf of the borrower in payment to the lender of interest on overdue instalments before applying the payments to the principal balance outstanding on the loan.

Revision of Terms of Loan

62. (1) Where a borrower is in default or advises the lender that some of the terms of his agreement in connection with his loan are such that he will have to default, and where in either case the lender is of the opinion that a revision of some of the terms of the agreement will enable the borrower to meet his obligation, the lender may with the borrower's approval alter or revise the agreement in any or all of the following ways;

- (a) by extending the time within which the loan must be entirely repaid, even if such extension exceeds the terms of paragraph (f) of subsection (1) of section 27 of the Act;
- (b) by reducing the amount of periodic instalments or by increasing them if they are to be paid less frequently;
- (c) by increasing or decreasing the periods between such instalments, but in no case are such periods to exceed three months except with the approval in writing of the Corporation.

(2) Where the terms of the altered or revised agreement do not exceed the limitations imposed by paragraph (f) of subsection (1) of section 27 of the Act the liability of the Corporation to the lender shall not be discharged if the lender notifies the Corporation promptly by registered mail of such alteration or revision and the reasons therefor.

(3) Where the terms of the altered or revised agreement would result in the limitations imposed by paragraph (f) of subsection (1) of section 27 of the Act being exceeded, the agreement shall not become effective until the lender has received the approval of the Corporation; upon such approval the alteration or revision shall not discharge the liability of the Corporation to the lender to any extent.

Reports to Corporation

63. (1) The lender shall send to the Corporation within thirty days following the last day of each month, monthly reports showing particulars of loans made in the monthly period in accordance with Form H.I.3 of the Schedule.

National Housing Act—continued

(2) The lender shall send to the Corporation within thirty days following the last day of March, June, September and December, respectively, quarterly reports showing particulars of loans in default for over sixty days in accordance with Form H.I. 4 of the Schedule.

(3) The lender shall furnish the Corporation with such other information as the Corporation may require from time to time.

Claims

64. (1) A claim for a loss sustained by the lender in any loan may be made to the Corporation at any time after the balance of the loan outstanding becomes due and payable whether as provided in section 59 or otherwise.

(2) Where the lender has not claimed under subsection (1) further efforts to collect shall be made and if the aggregate payments made by the borrower during the first year after the balance of the loan outstanding become due and payable, whether as provided in section 59 or otherwise, do not amount to ten per centum of such balance, a claim shall be made to the Corporation within sixty days after the end of such year or thereafter if the Corporation approves; if ten per centum or more thereof has been paid and in any subsequent six-month period the aggregate payments made by the borrower do not amount to five per centum of such balance a claim shall be made to the Corporation within sixty days after the end of such period or thereafter if the Corporation approves: provided that in any event a claim shall be made to the Corporation within five years after the balance of the loan outstanding became due and payable or thereafter if the Corporation agrees.

65. A claim shall be submitted by the lender in accordance with Form H.I. 5 of the Schedule and shall be accompanied by every note representing the loan.

66. (1) The amount of loss that may be claimed by a lender when the borrower is in default shall be,

- (a) the amount of the face value of the note evidencing the loan, less
 - (i) amounts paid in respect thereof, but not including any amounts applied on interest owing by reason of the default, and
 - (ii) unearned discount included in instalments that become payable subsequent to two months after the day of last payment of any kind by the borrower on account of the loan, but the effective date for calculation of unearned discount shall be the day one month before the due date of the first such instalment;
- (b) plus, interest at the rate of three per cent per annum
 - (i) on each instalment or part thereof payable and remaining unpaid on the day on which the instalment became payable until the day the claim is approved for payment, less three-fifths of the amount of any interest thereon paid by the borrower by reason of the default, and
 - (ii) on each instalment that becomes payable after the effective date for calculation of unearned discount, less the unearned discount thereon, from the effective date for calculation, of unearned discount until the day the claim is approved for payment;

National Housing Act—continued

- (c) plus, collection expenditures restricted to,
- (i) amounts actually expended by the lender in respect of uncollected taxed or taxable costs or disbursements in legal proceedings for recovery of the loan, and
 - (ii) amounts actually expended by the lender in respect of legal fees or costs other than those mentioned in subparagraph (i), whether with or without litigation, in collecting or endeavouring to collect the loan or in protecting the interests of the Corporation in such amounts as the Corporation may allow.

(2) Notwithstanding that all moneys owing by the borrower on account of the loan have been recovered, the Corporation may pay to the lender amounts in respect of losses incurred by it for the costs and disbursements specified in paragraph (c) of subsection (1) that cannot be recovered from the borrower.

(3) Claims for loss shall be approved for payment by the Corporation within sixty days after receipt thereof and shall thereupon be paid forthwith.

(4) Upon payment of the loss in respect of a guaranteed home improvement loan being made by the Corporation the lender shall forward a receipt in favour of the Corporation in accordance with Form H.I. 6 in the Schedule.

(5) The lender shall deal with any security held by it for the loan as the Corporation may direct and at the Corporation's expense.

Recoveries

67. The lender shall, on behalf of the Corporation and notwithstanding the full settlement of its claim for loss, take such reasonable steps as the Corporation may deem necessary to collect payments of principal and interest due by the borrower and shall realize upon any security provided for under these regulations; such amounts as may be collected or realized to be remitted to the Corporation every six months, and the actual expenses of the lender in so collecting or attempting to collect or realize shall be paid by the Corporation to the lender.

Schedule "A" to the National Housing Regulations**AREAS DESIGNATED AS CATEGORY ONE AND CATEGORY TWO***Category One***NEWFOUNDLAND**

Greater St. John's (including the City of St. John's, the Municipality of St. John's, the adjoining lands of the St. John's Housing Corporation, the land adjoining the City of St. John's and extending for a distance of one mile beyond the boundary limits of the Municipality).

PRINCE EDWARD ISLAND

Charlottetown.

NOVA SCOTIA

Greater Halifax (including the City of Halifax, Bedford Basin Polling Division including Rockingham, Dartmouth, Ferguson's Cove Polling Division, Northwest Arm Polling Division including Fairview, Armdale and Jollimore, Tuft's Cove Polling Division and Woodside Polling Division).

Kentville.

Truro.

National Housing Act—continued

NEW BRUNSWICK

Greater Saint John (including the City of St. John, Rothesay, Lancaster Parish, Simmonds Parish including Brookville, Coldbrook, East Saint John, Golden Grove, Glen Falls and Torryburn).

Fredericton.

Moncton.

QUEBEC

Greater Montreal (including Montreal Island, Longueuil, St-Lambert and Montreal South).

Greater Quebec (including the City of Quebec, the Town of Beauport, Beauport East, Charlesbourg, Giffard, La Petite-Rivière Parish, Lauzon, Lévis, Montmorency, Quebec West, St-Colomb-de-Sillery, Ste-Foy and St-Michel-Archange (Mastai)).

Buckingham	Lennoxville	Shawinigan Falls
Chicoutimi	Magog	Sherbrooke
Cowansville	Richmond	Trois-Rivières
Drummondville	St-Hyacinthe	Windsor
Granby	St-Jérôme	
Hull	St-Jean (St. John)	

ONTARIO

Greater Hamilton (including the City of Hamilton, Ancaster Township, Barton Township and Saltfleet Township).

Greater London (including the City of London, London Township and Westminster Township).

Greater Ottawa (including the City of Ottawa, Eastview, Gloucester Township, Billing's Bridge, Cyrville, Overbrook, Nepean Township, Highland Park, Westboro, Woodroffe, Britannia Heights and Rockcliffe).

Greater Toronto (including the City of Toronto, Etobicoke Township, Forest Hill, Leaside, Long Branch, Mimico, New Toronto, Scarborough, Swansea, Weston, York Township, East York Township and North York Township).

Belleville	Grimsby	Owen Sound	Sarnia
Brampton	Guelph	Pembroke	Simcoe
Brantford	Ingersoll	Perth	Smiths Falls
Brockville	Kingston	Peterborough	Stratford
Burlington	Kitchener	Port Arthur	Sudbury
Chatham	Leamington	Port Credit	Tillsonburg
Cobourg	Lindsay	Port Hope	Wallaceburg
Cornwall	Napanee	Port Nelson	Waterloo
Dundas	Newmarket	Preston	Welland
Fort William	Niagara Falls	Richmond Hill	Whitby
Galt	Oakville	St. Catharines	Woodstock
Gananoque	Oshawa	St. Thomas	

National Housing Act—continued

MANITOBA

Greater Winnipeg (including the City of Winnipeg, Brooklands, Fort Garry, Kildonan East, Kildonan North, Kildonan West, Old Kildonan, St. Boniface, St. James, St. Vital, Tuxedo, Assiniboia, and Charleswood).

SASKATCHEWAN

Regina.

Saskatoon.

ALBERTA

Calgary.

Edmonton.

Lethbridge.

BRITISH COLUMBIA

Greater Vancouver (including the City of Vancouver, Burnaby District, New Westminster, North Vancouver, North Vancouver District, University Endowment Area and West Vancouver District).

Greater Victoria (including the City of Victoria, Esquimalt, Oak Bay and Saanich).

Category Two

All areas in Canada not listed in Category One are designated Category Two.

Forms

Copies of the forms contained in Schedules B (Home Extension Loans) and C (Home Improvement Loans) may be obtained on application to Central Mortgage and Housing Corporation, Ottawa.

National Housing Act—continued

Schedule "D" to the National Housing Regulations

TABLE 1

GROSS CHARGE FACTORS AND DISCOUNT FACTORS FOR LOANS OF VARYING MATURITY
REPAYABLE IN EQUAL MONTHLY INSTALMENTS

Gross Charge Factor (based on \$1 of net proceeds)	Number of Monthly Instalment Payments in which loan is to be paid	Discount Factor (based on \$1 of face Amount)
014308.....	6	014106
016363.....	7	016099
018420.....	8	018087
020481.....	9	020070
022544.....	10	022047
024610.....	11	024019
026679.....	12	025986
028751.....	13	027947
030825.....	14	029903
032902.....	15	031854
034982.....	16	033800
037065.....	17	035740
039150.....	18	037675
041238.....	19	039605
043329.....	20	041530
045423.....	21	043449
047519.....	22	045363
049618.....	23	047273
051720.....	24	049177
053825.....	25	051076
055932.....	26	052970
058042.....	27	054858
060155.....	28	056742
062271.....	29	058621
064390.....	30	060494
066511.....	31	062363
068635.....	32	064227
070761.....	33	066085
072891.....	34	067939
075023.....	35	069788
077158.....	36	071631
079296.....	37	073470
081437.....	38	075304
083580.....	39	077133
085726.....	40	078957
087875.....	41	080776
090026.....	42	082591
092180.....	43	084400
094337.....	44	086205
096497.....	45	088005
098660.....	46	089800
100825.....	47	091590
102993.....	48	093376
105164.....	49	095157
107337.....	50	096933
109514.....	51	098704
111693.....	52	100471
113875.....	53	102233
116059.....	54	103990
118247.....	55	105743
120437.....	56	107491
122629.....	57	109234
124825.....	58	110973
127023.....	59	112707
129224.....	60	114436

National Housing Act—continued

Table for use of lender in calculating the proceeds of a loan (face amount less discount) and the amount of monthly payments.

TABLE 2

Face Amount of Note	6 Months		12 Months		18 Months		24 Months		30 Months		36 Months		42 Months		48 Months		54 Months		60 Months	
	Net Proceeds	Monthly Payment	Net Proceeds	Monthly Payment	Net Proceeds	Monthly Payment	Net Proceeds	Monthly Payment	Net Proceeds	Monthly Payment	Net Proceeds	Monthly Payment	Net Proceeds	Monthly Payment	Net Proceeds	Monthly Payment	Net Proceeds	Monthly Payment	Net Proceeds	Monthly Payment
	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.
1	0 99	0 17	0 97	0 08	0 96	0 06	0 95	0 04	0 94	0 03	0 93	0 03	0 92	0 02	0 91	0 02	0 90	0 02	0 89	0 02
2	1 97	0 33	1 95	0 17	1 92	0 11	1 90	0 08	1 88	0 07	1 86	0 06	1 83	0 05	1 81	0 04	1 79	0 04	1 77	0 03
3	2 96	0 50	2 92	0 25	2 89	0 17	2 85	0 13	2 82	0 10	2 79	0 08	2 75	0 07	2 72	0 06	2 69	0 06	2 66	0 05
4	3 94	0 67	3 89	0 33	3 85	0 22	3 80	0 17	3 76	0 13	3 71	0 11	3 67	0 10	3 63	0 08	3 58	0 07	3 54	0 07
5	4 93	0 83	4 87	0 48	4 81	0 28	4 75	0 21	4 70	0 17	4 64	0 14	4 59	0 12	4 53	0 10	4 48	0 09	4 43	0 08
6	5 92	1 00	5 84	0 50	5 77	0 33	5 70	0 25	5 64	0 20	5 57	0 17	5 50	0 14	5 44	0 13	5 38	0 11	5 31	0 10
7	6 90	1 17	6 82	0 58	6 74	0 39	6 66	0 29	6 58	0 23	6 50	0 19	6 42	0 17	6 35	0 15	6 27	0 13	6 20	0 12
8	7 89	1 33	7 79	0 67	7 70	0 44	7 61	0 33	7 52	0 27	7 43	0 22	7 34	0 19	7 25	0 17	7 17	0 15	7 08	0 13
9	8 87	1 50	8 77	0 75	8 66	0 50	8 56	0 38	8 46	0 30	8 36	0 25	8 26	0 21	8 16	0 19	8 06	0 17	7 97	0 15
10	9 86	1 67	9 74	0 83	9 62	0 56	9 51	0 42	9 40	0 33	9 28	0 28	9 17	0 24	9 07	0 21	8 96	0 19	8 86	0 17
20	19 72	3 33	19 48	1 67	19 25	1 11	19 02	0 83	18 79	0 67	18 57	0 56	18 35	0 48	18 13	0 42	17 92	0 37	17 71	0 33
30	29 58	5 00	29 22	2 50	28 87	1 67	28 52	1 25	28 19	1 00	27 85	0 83	27 52	0 71	27 20	0 63	26 88	0 56	26 57	0 50
40	39 44	6 67	38 96	3 33	38 49	2 22	38 03	1 67	37 58	1 33	37 13	1 11	36 70	0 95	36 26	0 83	35 84	0 74	35 42	0 67
50	49 29	8 33	48 70	4 17	48 12	2 78	47 54	2 08	46 98	1 67	46 42	1 39	45 87	1 19	45 33	1 04	44 80	0 93	44 28	0 83
60	59 15	10 00	58 44	5 00	57 74	3 34	57 05	2 92	56 37	2 34	55 70	1 67	55 04	1 43	54 40	1 25	53 76	1 11	53 13	1 00
70	69 01	11 67	68 18	5 84	67 36	3 89	66 56	2 92	65 76	2 34	64 98	1 95	64 22	1 67	63 46	1 46	62 72	1 30	61 99	1 17
80	78 87	13 34	77 92	6 67	76 99	4 45	76 07	3 34	75 16	2 67	74 27	2 23	73 39	1 90	72 53	1 67	71 68	1 48	70 85	1 33
90	88 73	15 00	87 66	7 50	86 61	5 00	85 57	3 75	84 56	3 00	83 55	2 50	82 57	2 14	81 60	1 88	80 64	1 67	79 70	1 50
100	98 59	16 67	97 40	8 34	96 23	5 56	95 08	4 17	93 95	3 34	92 84	2 78	91 74	2 38	90 66	2 08	89 60	1 85	88 56	1 67
200	197 18	33 34	194 80	16 67	192 46	11 12	190 16	8 34	187 90	6 67	185 68	5 56	183 48	4 76	181 32	4 17	179 20	3 70	177 11	3 33
300	295 77	50 00	292 20	25 00	288 70	16 67	285 25	12 50	281 85	10 00	278 51	8 34	275 22	7 14	271 99	6 25	268 80	5 56	265 67	5 00
400	394 36	66 67	389 61	33 34	384 93	22 23	380 33	16 67	375 80	13 34	371 35	11 12	366 96	9 52	362 65	8 33	358 40	7 41	354 23	6 67
500	492 95	83 34	487 01	41 67	481 16	27 78	475 41	20 84	469 75	16 67	464 18	13 89	458 71	11 91	453 31	10 42	448 01	9 26	442 78	8 33
600	591 54	100 00	584 41	50 00	577 39	33 34	570 49	25 00	563 70	20 00	557 02	16 67	550 45	14 29	543 97	12 50	537 61	11 11	531 34	10 00
700	690 13	116 67	681 81	58 34	673 63	38 89	665 58	29 17	657 65	23 34	649 86	19 45	642 19	16 67	634 64	14 53	627 21	12 96	619 89	11 67
800	788 72	133 34	779 21	66 67	769 86	44 45	760 66	33 34	751 61	26 67	742 69	22 23	733 93	19 05	725 30	16 67	716 81	14 82	708 45	13 33
900	887 30	150 00	876 61	75 00	866 91	50 00	855 74	37 50	845 56	30 00	835 53	25 00	825 67	21 43	815 96	18 75	806 41	16 67	797 01	15 00
1,000	985 89	166 67	974 01	83 34	962 33	55 56	950 82	41 67	939 50	33 34	928 37	27 78	917 41	23 81	906 62	20 84	896 01	18 52	885 57	16 67
1,100	1,084 48	183 34	1,071 42	91 67	1,058 56	61 12	1,045 99	45 84	1,033 46	36 67	1,021 21	30 56	1,009 15	26 20	997 29	22 92	985 61	20 38	974 12	18 34
1,200	1,183 07	200 00	1,168 82	100 00	1,154 79	66 67	1,140 99	50 00	1,127 41	40 00	1,114 04	33 34	1,100 89	28 58	1,087 95	25 00	1,075 21	22 23	1,062 68	20 00
1,300	1,281 66	216 67	1,266 22	108 34	1,251 02	72 23	1,236 07	54 17	1,221 36	43 34	1,206 88	36 12	1,192 63	30 96	1,178 61	27 09	1,164 81	24 08	1,151 23	21 67
1,400	1,380 25	233 34	1,363 62	116 67	1,347 26	77 78	1,331 15	58 34	1,315 31	46 67	1,299 72	38 89	1,284 37	33 34	1,269 28	29 17	1,254 41	25 93	1,239 79	23 34
1,500	1,478 84	250 00	1,461 02	125 00	1,443 49	83 34	1,426 23	62 50	1,409 26	50 00	1,392 55	41 67	1,376 11	35 72	1,359 94	31 25	1,344 02	27 78	1,328 35	25 00
1,600	1,577 43	266 67	1,558 42	133 34	1,539 72	88 89	1,521 32	66 67	1,503 21	53 34	1,485 39	44 45	1,467 85	38 10	1,450 60	33 34	1,433 61	29 63	1,416 90	26 67
1,700	1,676 02	283 34	1,655 82	141 67	1,635 95	94 45	1,616 40	70 84	1,597 16	56 67	1,578 23	47 23	1,559 60	40 48	1,541 26	35 42	1,523 22	31 49	1,505 46	28 34
1,800	1,774 61	300 00	1,753 23	150 00	1,732 18	100 00	1,711 48	75 00	1,691 11	60 00	1,671 06	50 00	1,651 33	42 86	1,631 92	37 50	1,612 82	33 34	1,594 02	30 00
1,900	1,873 20	316 67	1,850 63	158 34	1,828 42	105 56	1,806 57	79 17	1,785 06	63 34	1,763 90	52 78	1,743 08	45 24	1,722 58	39 59	1,702 42	35 19	1,682 57	31 67
2,000	1,971 79	333 34	1,948 03	166 67	1,924 65	111 12	1,901 65	83 34	1,879 01	66 67	1,856 74	55 56	1,834 82	47 62	1,813 25	41 67	1,792 02	37 04	1,771 13	33 34
3,000	2,957 68	500 00	2,922 04	250 00	2,886 98	166 67	2,862 57	125 00	2,818 52	133 34	2,785 10	83 34	2,752 23	71 43	2,719 87	62 50	2,688 03	55 56	2,656 69	50 00
4,000	3,943 58	666 67	3,896 06	333 34	3,849 30	222 23	3,803 29	166 67	3,753 53	166 67	3,703 47	111 12	3,659 64	95 24	3,616 49	83 34	3,573 04	74 08	3,529 82	66 67
5,000	4,929 47	833 34	4,870 07	416 67	4,811 63	277 78	4,754 12	208 34	4,697 03	200 00	4,641 84	138 89	4,587 05	119 05	4,533 12	104 17	4,480 05	92 60	4,427 82	83 34
6,000	5,915 36	1,000 00	5,844 08	500 00	5,773 95	333 34	5,704 91	250 00	5,637 03	200 00	5,570 21	166 67	5,504 45	142 86	5,439 74	125 00	5,376 06	111 12	5,313 38	100 00
7,000	6,901 26	1,166 67	6,818 10	583 34	6,736 76	388 89	6,655 76	291 67	6,576 54	233 34	6,498 58	194 45	6,421 87	166 67	6,346 37	145 84	6,272 07	129 63	6,198 95	116 67
8,000	7,887 15	1,333 34	7,792 11	666 67	7,698 60	444 45	7,606 59	333 34	7,516 05	266 67	7,426 95	222 23	7,339 27	190 48	7,252 99	166 67	7,168 08	148 15	7,084 51	133 34
9,000	8,873 05	1,500 00	8,766 13	750 00	8,660 92	500 00	8,558 41	375 00	8,455 55	300 00	8,355 32	250 00	8,256 68	214 29	8,159 62	187 50	8,064 09	166 67	7,970 08	150 00
10,000	9,858 94	1,666 67	9,740 14	833 34	9,623 25	555 56	9,508 23	416 67	9,395 06	333 34	9,283 69	277 78	9,174 09	238 10	9,066 24	208 34	8,960 10	185 19	8,855 64	166 67

Monthly installment payments have been set at the next full cent nearest the fractional result.
An adjustment should be made in the final payment to have the total payments equal the face amount of the notes.

National Housing Act—continued

TABLE 2—Concluded

Table for use of lender in calculating the proceeds of a loan (face amount less discount) and the amount of monthly payments—Concluded

—	TABLE FOR 12 MONTHS			—	TABLE FOR 36 MONTHS		
	Face amount of Note	Net proceeds	Monthly payment		Face amount of Note	Net proceeds	Monthly payment
To obtain the amount of proceeds and the monthly payment for a loan amount not shown in the table, such as a loan for 12 months for \$543, add the table amounts for \$500 to the table amounts for \$40 and \$3, thus: ⑥	\$	\$ cts.	\$ cts.	If a Note for \$1,826 is to be paid in 36 months, make the calculations as follows:	\$	\$ cts.	\$ cts.
	500	487 01	41 67		1,000	928 37	27 78
	40	38 96	3 33		800	742 69	22 23
	3	2 92	0 25		20	18 57	0 56
					6	5 57	0 17
	543	528 89	45 25		1,826	1,695 20	50 74

National Housing Act—concluded

TABLE 3

Tables of Factors for use in Cases of Default or Prepayment

(a) Default

To ascertain the amount of principal represented in the instalments that would have become payable after the effective date for calculation of unearned discount, multiply the amount of the monthly instalment by the factor in Table (a) corresponding to the number of those monthly instalments.

For example, in the case of a loan for \$1,000 repayable in 24 monthly instalments of \$41.67 and 10 instalments have been paid with 14 instalments remaining unpaid, the calculation would be made as follows:

Principal Outstanding=\$41.67 x 13.58135=\$565.93.

(b) Prepayment

To ascertain the lump sum amount (principal and interest) required to pay off the loan at any given instalment payment date, multiply the amount of the monthly instalment by the factor in Table (b) corresponding to the number of unpaid instalments. For example, in the case of a loan for \$1,000, repayable in 24 monthly instalments of \$41.67 and the borrower wishes to prepay the balance of the loan on the day the 10th instalment falls due, there then being 15 instalments unpaid, the calculation would be made as follows:

Principal and interest due=\$41.67 x 14.58135=\$607.60.

No. Monthly Instalments Unpaid	Table (a) Default	Table (b) Prepayment	No. Monthly Instalments Unpaid	Table (a) Default	Table (b) Prepayment
1	.99594	1.00000	31	29.06675	29.18517
2	1.98784	1.99594	32	29.94475	30.06675
3	2.97572	2.98784	33	30.81919	30.94475
4	3.95959	3.97572	34	31.69008	31.81919
5	4.93946	4.95959	35	32.55743	32.69008
6	5.91536	5.93946	36	33.42127	33.55743
7	6.88730	6.91536	37	34.28161	34.42127
8	7.85530	7.88730	38	35.13845	35.28161
9	8.81937	8.85530	39	35.99181	36.13845
10	9.77953	9.81937	40	36.84171	36.99181
11	10.73519	10.77953	41	37.68817	37.84171
12	11.68817	11.73519	42	38.53119	38.68817
13	12.63669	12.68817	43	39.37079	39.53119
14	13.58135	13.63669	44	40.20698	40.37079
15	14.52219	14.58135	45	41.03978	41.20698
16	15.45921	15.52219	46	41.86920	42.03978
17	16.39242	16.45921	47	42.69525	42.86920
18	17.32185	17.39242	48	43.51795	43.69525
19	18.24751	18.32185	49	44.33732	44.51795
20	19.16941	19.24751	50	45.15336	45.33732
21	20.08757	20.16941	51	45.96608	46.15336
22	21.00200	21.08757	52	46.77552	46.96608
23	21.91273	22.00200	53	47.58166	47.77552
24	22.81976	22.91273	54	48.38454	48.58166
25	23.72311	23.81976	55	49.18416	49.38454
26	24.62279	24.72311	56	49.98053	50.18416
27	25.51882	25.62279	57	50.77367	50.98053
28	26.41122	26.51882	58	51.56359	51.77367
29	27.30000	27.41122	59	52.35031	52.56359
30	28.18517	28.30000	60	53.13384	53.35031

NATIONAL HOUSING ACT, 1954 (1954, c. 23)

	Page
1. <i>National Housing Loan Regulations</i>	2303
2. <i>Maximum rates of interest established</i>	2328

1. National Housing Loan Regulations

P.C. 1954-1980

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 16th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Public Works and pursuant to the National Housing Act, 1954, is pleased to order as follows:

1. The National Housing Loan Regulations, established by Order in Council P.C. 1954-409 of 19th March, 1954, as amended, are hereby revoked; and

2. The annexed "National Housing Loan Regulations" are hereby made and established in substitution for the regulations hereby revoked.

THE NATIONAL HOUSING LOAN REGULATIONS

1. These regulations may be cited as the *National Housing Loan Regulations*.

2. In these regulations,

- (a) "Act" means the National Housing Act, 1954;
- (b) "certified defence worker" means a person certified by his employer to be engaged in the production of defence supplies in a plant designated in whole or in part by the Department of Defence Production as a defence plant;
- (c) "home-owner duplex" means a house containing two family housing units (one of which is to be occupied by the owner) built one above the other, with separate entrances;
- (d) "home-owner semi-detached house" means a house containing two family housing units (one of which is to be occupied by the owner) built side by side, with separate entrances;
- (e) "rental duplex" means a duplex, both of the family housing units of which are to be rented;
- (f) "fully serviced unit" means a family housing unit supplied with heating, hot and cold water, stove, refrigerator and full janitor service;
- (g) "gross debt service ratio" in the case of
 - (i) a loan on a single-family dwelling, means the ratio of the annual mortgage charges for principal, interest and taxes to the estimated gross annual income of the home owner or home purchaser;

National Housing Act, 1954—continued

- (ii) a loan on a home-owner duplex or a home-owner semi-detached house means the ratio of one-half of the annual mortgage charges for principal, interest and taxes to the estimated gross annual income of the home owner or home purchaser and excluding rental derived from the housing unit not occupied by the home owner;

and for the purpose of this definition, where a home owner or home purchaser is a married woman or a husband and wife, the husband shall be deemed to be the home owner or home purchaser;

- (h) “livable floor area” in the case of

- (i) a one-family dwelling or semi-detached dwelling, means the aggregate of all floor areas, measured from the outside faces of enclosing walls, less any area which does not form an integral part of the habitable accommodation;

- (ii) a multiple-family dwelling, means the aggregate of the area of the building at grade level, plus the areas of any other floors above or below grade level, designed and usable as living quarters, all measured from the outside faces of enclosing walls;

- (i) “progress advances” means the instalments of an approved loan advanced by the approved lender as the building construction progresses;

and other words and expressions shall, unless a contrary intention is indicated, have the same meaning as in the Act.

PART I

3. An approved lender may request a determination by the Corporation of the lending value of a proposed housing project and with such request shall forward to the Corporation in triplicate all plans, specifications and plot plans pertaining to the project and such other information as the Corporation may require.

4. An application for an approved loan shall be made to an approved lender in a form prescribed by the Corporation and shall be accompanied by an application fee in the amount of \$35.00 for each family housing unit in the project for which the application is submitted or in the amount of \$35.00 for each additional family housing unit resulting from the alteration of an existing residential structure.

5. An approved lender who is prepared to make an approved loan to the applicant shall submit the application form in duplicate to the Corporation and shall notify the Corporation whether or not the insurance of progress advances is required. Each such application shall be accompanied by the application fee and, unless a request for determination of lending value has been made pursuant to regulation 3, by the plans, specifications and plot plan in triplicate.

6. (1) On receipt of an application, the Corporation shall on its prescribed form of undertaking to insure advise the lender of the terms and conditions under which it will insure a loan.

(2) An approved lender may at its option make a loan in an amount which is the nearest multiple of 50 below the amount of the approved

National Housing Act, 1954—continued

loan and, if a loan in such amount is less than 70 per cent of the lending value, such loan shall be deemed to be the maximum loan permitted by these regulations.

(3) The Corporation may extend the time for commencement of construction imposed as a condition in an undertaking to insure by a further period expiring not later than thirty days from the date of such extension if

- (a) an application for such extension has been submitted in writing by the applicant to the approved lender making the loan within thirty days after the expiry of the time stipulated for commencement of construction;
- (b) such application is acceptable to the approved lender and the Corporation;
- (c) such application is accompanied by a fee of \$5.00 for each housing unit to which the undertaking to insure applies; and
- (d) no previous extension has been made to the time stipulated in the undertaking to insure for commencement of construction.

(4) The amount of a loan in respect of which the Corporation has issued an undertaking to insure may, subject to regulation 9, be increased subsequent to such undertaking being issued if

- (a) the amount of the loan as increased does not exceed the maximum loan allowable under the Act;
- (b) the applicant prior to the completion of construction of the housing project in respect of which the loan is made applies in writing to the approved lender making the loan for such increase;
- (c) where the applicant proposes to change the work from that shown on the plans or specifications approved for the housing project, the application for such increase is accompanied by an application fee equal to the greater of \$2.00 or 1 per cent of the requested increase in the loan; and
- (d) the application is acceptable to the approved lender and the Corporation.

(5) An approved lender who is prepared to approve an application referred to in paragraph (3) or (4) of this regulation shall forward such application, together with any required application fee to the Corporation and, if such application is acceptable to the Corporation, the Corporation shall in writing so advise the approved lender.

7. The Corporation may advise the applicant of the terms and conditions of any undertaking to insure issued to an approved lender.

8. If an application referred to in regulation 4 or an application referred to in regulation 6 is not approved as applied for and notice of withdrawal thereof is mailed to the Corporation within thirty days following the date of receipt by the approved lender of the undertaking to insure, supplementary undertaking to insure or refusal of approval, the relevant application fee shall be refunded by the Corporation to the approved lender and by the approved lender to the applicant.

9. (1) An approved loan shall not exceed the maximum loan permitted for the proposed housing project as established in the attached Schedule "C".

(2) The term of an approved loan shall be not less than

National Housing Act, 1954—continued

- (a) if the loan was made pursuant to paragraph (k) of subsection (1) of section 7 of the Act, eight years or such shorter period as may be approved by the Corporation;
- (b) if the loan was made pursuant to paragraphs (c), (d), (e), (f), (g), (h), (i), (j) or (l) of subsection (1) of section 7 of the Act, fifteen years or such shorter period as may be approved by the Corporation.

10. The Corporation shall require the plans and specifications of any housing project to conform at least to the standards prescribed by the Corporation.

11. The Corporation shall not issue an undertaking to insure a loan on any housing project if construction, other than excavation, has commenced.

12. It shall not be the responsibility of the Corporation to provide architectural supervision but during the period of construction of a housing project, the Corporation shall inspect the housing project to ensure that the work of construction is carried out in reasonable conformity with the approved plans and specifications and in accordance with standards of construction prescribed by the Corporation and in any event not less frequently than

- (a) once at or about the time of the laying of the footings;
- (b) once at or about the time when the roof is completed;
- (c) once at or about the time that rough plumbing and wiring are installed, and prior to the process of lathing or its equivalent; and
- (d) once on completion of the house.

13. When an inspection is made by the Corporation a report shall be sent to the approved lender within ten days after such inspection, listing in detail any departures from the approved plans, specifications or standards prescribed by the Corporation, and the Corporation shall inform the owner or builder that the departures are being reported to the approved lender by the Corporation.

14. The approved lender shall forthwith advise the borrower of any departures reported by the Corporation pursuant to regulation 13. If progress advances are insured and the Corporation so directs, no further progress advances shall be made until the departures have been corrected to the satisfaction of the Corporation and the Corporation has advised the approved lender to resume progress advances. If progress advances are not insured, the loan shall not be insured until such departures have been corrected to the satisfaction of the Corporation, or the loan reduced pursuant to regulation 15.

15. If any departure from the plans, specifications or standards is not corrected as required by the Corporation, the Corporation may direct that the approved lender reduce the loan by such amount as the Corporation determines and the maximum loan under these regulations shall be the amount of the loan as so reduced.

16. The approved lender shall attend to the searching of title, the obtaining of a surveyor's certificate or sketch, or a certificate obtained pursuant to regulation 19, showing or reciting the distances of the housing project from the lot lines and any apparent encroachments thereon, the advancing of the proceeds of the loan, all legal matters connected with

National Housing Act, 1954—continued

the arranging of the loan and the taking of security therefor, and all things reasonably necessary to protect the security and the priority of advances made, all in accordance with normal mortgage practice.

17. A mortgage securing an approved loan shall be substantially in accordance with the appropriate form attached to these regulations as Schedule "B", and any variation from such form shall be made only with the approval of the Corporation.

18. If, prior to making an advance on an approved loan, an approved lender discovers defects in title it may request the approval of the Corporation of such defects. Any defects so approved shall be listed in the policy of mortgage loan insurance issued in respect of such loan.

19. When it seems in the best interests of the borrower and the approved lender, the Corporation may on the request of the approved lender approve the acceptance in lieu of a surveyor's certificate of a form of similar certificate from a civil engineer or other competent person who may be an employee of the lender and the Corporation shall determine the fee chargeable therefor.

20. An approved lender may charge to the borrower:

- (a) the application fee prescribed in regulation 4;
- (b) the insurance fee prescribed in section 6 of the Act;
- (c) the cost of obtaining a surveyor's certificate or a certificate under regulation 19; and
- (d) solicitor's and notary's fees and disbursements
 - (i) for searching and settling the title to the property;
 - (ii) for preparing and registering the mortgage and for necessary copies thereof;
 - (iii) for sub-searches of title necessary to ensure the priority of advances on the loan; and
 - (iv) for preparing, registering and renewing chattel mortgages and other security;

and no other charge, fee or discount shall be chargeable to the borrower in respect of an approved loan, save only such charges as may be permitted by the mortgage. It is the spirit and intent of this regulation that an approved loan shall be made at not less than par by the approved lender to the borrower and that the borrower shall not be subjected to a charge in the nature of a discount or commission. The Corporation shall not issue an Undertaking to Insure if the borrower is being charged by any person in respect of the loan a sum that, in the opinion of the Corporation, is in excess of reasonable compensation for the services rendered by such person.

21. The borrower shall be entitled to at least four progress advances on any instalment loan. If progress advances are insured, the Corporation shall from time to time advise the approved lender in writing of the amounts that may be advanced.

22. When an approved lender has made progress advances approved by the Corporation under the provisions of regulation 21 and has collected as a loan advance the proportionate amount of the insurance fee pertaining to such progress advance, the aggregate of such advances shall be deemed to

National Housing Act, 1954—continued

be an insured loan, and the insurance shall be incontestible by the Corporation except in the case of non-compliance with the provisions of the Act and these regulations through fraud by the approved lender.

23. An approved lender may elect that all approved loans made by it on property lying within an area having boundaries approved by the Corporation be not insured until each loan is fully advanced. Until six months after receipt of notice by the Corporation from the approved lender that the latter has changed its election, the Corporation shall not undertake to insure progress advances on any loan made on properties within such boundaries by the approved lender.

24. When a progress advance or disbursement on a loan is made by an approved lender to or on behalf of the borrower, the approved lender shall charge to the mortgage account of the borrower in addition to the progress advance the proportion of the insurance fee provided for in subsection (6) of section 6 of the Act. If progress advances on the loan are insured, the approved lender shall remit or cause to be remitted to the Corporation the amount of insurance fee charged to the mortgage account. If progress advances on the loan are not insured, the approved lender shall remit to the Corporation with the Request for Policy provided for in regulation 25, the full amount of the insurance premium payable to the Corporation in respect of the loan.

25. When a loan has been fully advanced or when a loan complies with the conditions of paragraph (a) or (b) of subsection 5 of section 6 of the Act, the approved lender shall forward to the Corporation a "Request for Policy" form as prescribed by the Corporation. On receipt of such request, the Corporation shall issue to the lender an insurance policy in the form appended to these regulations as Schedule "A". Where the approved lender so requests, the insurance policy may be written in favour of the approved lender and of a trustee appointed by the approved lender pursuant to section 20 of the Foreign Insurance Companies Act, as their respective interests may appear.

26. When undertaking to insure a loan to a builder, the Corporation may determine the maximum selling price of the house and may require that the amount of the loan be conditional upon the sale of the house to a home purchaser at a price not in excess of the maximum selling price so determined. If a maximum selling price is so determined, the approved lender prior to advancing the final 10% of the loan, shall provide the Corporation with evidence of the selling price in a form prescribed by the Corporation and, in the event the selling price exceeds the said maximum selling price, the loan shall be reduced to not more than 90% of the approved loan. If a builder falsely states the selling price, the Corporation may refuse to undertake to insure any further loans to that builder or to any company or corporation with which he is directly or indirectly associated, within a period of eighteen months from the date of the false statement.

27. When the Corporation has notified the approved lender that the construction of the house has been completed and when a home purchaser, meeting the requirements of regulation 28, has acquired title to the mortgaged property and has assumed the builder's personal covenants under the mortgage securing an insured loan, the approved lender may release the builder from his personal covenants under the said mortgage,

National Housing Act, 1954—continued

provided that in the Province of Quebec the approved lender expressly reserves the hypothecs attached to the builder's obligations under the deed of loan.

28. An approved lender shall use its best efforts to ensure:

- (a) that the home owner is providing from his own resources an amount represented by land, cash or labour of at least 10% of the value of the house as determined by the Corporation, unless a lesser amount has been approved by the Corporation;
- (b) that a home purchaser is providing from his own resources in cash at least 10% of the purchase price of the house unless a lesser amount has been approved by the Corporation;
- (c) when approving a home owner or home purchaser, that the gross debt service ratio in respect of such home owner or home purchaser shall not exceed 23%, and in computing such ratio, an approved lender may include such portion of his wife's investment income and such portion of 20% of his wife's gross earnings as the approved lender considers appropriate as an addition to the gross annual income of the home owner or home purchaser, provided that where an approved lender considers a home owner or home purchaser would be a satisfactory borrower, notwithstanding a gross debt service ratio exceeding 23%, the approved lender may with the concurrence of the Corporation approve such home owner or home purchaser.

29. When an approved lender has approved a loan or has approved a sale from a builder to a home purchaser, the approved lender shall forthwith forward to the Corporation details of the loan or sale in a form prescribed by the Corporation.

30. An approved lender in advancing an approved loan shall retain:

- (a) an amount equal to the estimated cost of completion of construction of the mortgaged premises for the purpose of ensuring the completion of such construction;
 - (b) when the loan is made to a builder:
 - (i) an amount equal to 10% of the loan, for the purpose of ensuring that a sale by the builder complies with the requirements of the Corporation pursuant to regulation 26; and
 - (ii) an amount equal to 15% of the loan, for the purpose of ensuring that the mortgaged premises are sold to a home purchaser who is acceptable to the approved lender, who qualifies for approval under regulation 28, and who has assumed liability under the mortgage; or
- if the loan is made pursuant to paragraph (c) or (f) of subsection (1) of section 7 of the Act, an amount equal to 20% of the amount by which the lending value exceeds \$8,000, for the purpose of ensuring that the mortgaged premises are sold to a certified defence worker who has assumed liability under the mortgage;

provided that in the case of a loan to a builder, an approved lender is not required to retain an amount exceeding the estimated cost of completion of construction of the mortgaged premises, or 25% of the amount of the loan, whichever is the greater, and further provided that where progress advances are insured an approved lender may advance up to the amount approved by the Corporation under regulation 21.

National Housing Act, 1954—continued

31. (1) Amounts retained by an approved lender pursuant to regulation 30 may be advanced when the purposes for which they have been retained have been fulfilled, provided always that the approved lender, subject to paragraph (2) of this regulation, shall continue to retain the amounts specified in regulation 30 for those purposes which have not been fulfilled.

(2) If a builder to whom a loan has been approved to assist in the construction of a housing project for sale has not sold the project after three months after the date established in the mortgage for adjustment of interest, an approved lender may if the Corporation so approves release to the builder further advances on the loan provided that prior to sale of the housing project loan advances shall not exceed 90% of the amount of the loan approved.

32. Subject to paragraph (2) of regulation 31, if the purposes for which amounts have been retained under regulation 30 cannot be fulfilled, the amount of the loan shall be reduced by the amounts retained for such purposes and the loan as so reduced shall be the maximum loan permitted under these regulations, and for the purposes of this regulation, if a builder has not sold a housing project after six months after the date established in the mortgage for adjustment of interest, the approved lender may deem that a condition that the house be sold to an approved purchaser cannot be fulfilled.

33. (1) Where an approved loan has not been fully advanced, an approved lender may request from the Corporation a policy of mortgage loan insurance to cover the full amount of the loan if

- (a) the construction of the house has been substantially completed;
- (b) the house is occupied by a home owner or home purchaser;
- (c) the estimated cost of completion of the house does not exceed \$500;
- (d) the completion of the house is delayed by seasonal weather conditions; and
- (e) the unadvanced portion of the loan is at least twice the estimated cost of completing the house.

(2) The Corporation may issue a policy of mortgage loan insurance so requested if the approved lender undertakes

- (a) to complete the house to the satisfaction of the Corporation within such time as shall be stipulated by the Corporation, unless the Corporation shall have approved a reduction in the loan pursuant to regulation 34;
- (b) to return the policy to the Corporation in the event that the loan is reduced pursuant to regulation 34 so that it may be replaced by a policy covering the loan as so reduced;
- (c) to save the Corporation harmless from any claim against the mortgaged premises arising prior to completion of the house or the reduction of the loan as aforesaid; and
- (d) to pay to the Corporation when the loan is fully advanced the balance of the insurance fee applicable to the loan.

34. If an approved lender has requested a policy of mortgage loan insurance under regulation 33 and the builder has not completed construction within the time required by the Corporation, then the approved lender, with

National Housing Act, 1954—continued

the approval of the Corporation, may reduce the loan by the amount not at that time advanced, and the loan as so reduced shall be the maximum loan permitted under these regulations.

35. A loan under paragraph (c) or (f) of subsection (1) of section 7 of the Act may be made only when the house is located in an area which, in the opinion of the Corporation, is reasonably accessible to the defence plant.

36. An approved loan to a builder to assist in the construction of a house for sale to a certified defence worker shall be subject to the following additional conditions:

- (a) The maximum selling price shall not exceed the lending value of the house as determined by the Corporation, plus the insurance fee prescribed in section 6 of the Act, plus carrying charges, paid or accrued between the date of completion of the house and the date of completion of sale; for the purpose of this regulation and regulation 38, "carrying charges" shall include only payments of mortgage interest, taxes, heating costs, premiums for fire insurance, and such other disbursements as shall have been approved by the Corporation in writing.
- (b) The builder shall offer the house for sale only to certified defence workers for the period of two months immediately following the date of completion.
- (c) In the event of the approved sale of the house after the said period of two months to an approved purchaser other than a certified defence worker, the total loan shall be reduced by 20% of the amount by which the lending value exceeds \$8,000.
- (d) A house shall not be sold by the builder prior to its completion, nor shall any commitment for its sale be given by the builder prior to such time.

37. A certified defence worker building or purchasing a house shall agree to give a direction to his employer that payments of principal, interest and taxes under the mortgage shall be made by his employer by means of payroll deductions.

38. The Corporation may enter into a contract with a builder in respect of the construction of houses for sale by such builder to home purchasers who are certified defence workers and such contract shall, among other things, provide that

- (a) the builder shall finance the construction of the house under the provisions of the Act and in accord with these regulations;
- (b) the Corporation shall agree to purchase from the builder, during the three months' period immediately following the two months' period referred to in paragraph (b) of regulation 36 at a price (hereinafter called "the buy-back price") fixed in the contract, any house built pursuant to the contract that remains unsold;
- (c) the buy-back price shall be ninety-five per centum of the maximum selling price, plus carrying charges paid or accrued between the date of completion and the purchase by the Corporation of the house; and
- (d) the builder shall pay to the Corporation a premium equal to one-third of one per centum of the buy-back price of each house, exclusive of carrying charges.

National Housing Act, 1954—continued

39. An approved lender, in its sole discretion or on the instruction of the holder of an insured loan, may waive the payment of bonus of interest prescribed in the mortgage and may accept additional payments in excess of those provided for in the mortgage.

40. There shall be fixed in the mortgage a date for adjustment of interest on an approved loan, which date, as nearly as may be estimated, shall be not more than two months after the completion of construction on the property securing the loan or occupation thereof, whichever occurs first; and the date for commencement of combined payments of principal, interest and taxes shall in the case of a loan repayable on a monthly basis be one month after the interest adjustment date and in the case of a loan repayable on a quarterly, semi-annual or annual payment basis be three months, six months or one year respectively after the interest adjustment date. If the property is not completed or occupied by the date estimated, the approved lender may by agreement with the borrower, amend the repayment terms of the mortgage so that the date for adjustment of interest falls within a period two months after the date upon which the construction was completed or the property occupied, whichever occurs first. If a loan is reduced from the amount of the approved loan, an approved lender shall, unless the Corporation approves otherwise, reduce the monthly payments provided for in the mortgage so that the monthly payments as so reduced shall be sufficient to amortize the reduced loan over the amortization period established for the loan as approved.

41. Except as provided in regulations 39 and 40, the terms of repayment of an approved loan shall not be altered without the approval of the Corporation.

42. Except as provided by regulation 27, an approved lender shall not without approval of the Corporation release any collateral security or personal covenant taken as further security to a loan which was insured subject to the taking of such further security.

43. (1) During the advancing of an approved loan and the period of repayment thereof, an approved lender shall cause the interests of the mortgagee to be protected by fire insurance in accordance with normal mortgage practice. If, before the loan has been repaid in full, the mortgaged premises shall be damaged by fire to an amount exceeding \$1,000 the approved lender shall notify the Corporation immediately after knowledge of the damage, and after such notification all repairs shall be subject to inspection by the Corporation and shall be completed to its satisfaction.

(2) A claim by an approved lender under a policy of mortgage loan insurance shall be reduced by an amount equal to the amount by which the cost of repairing or replacing fire damage or loss to the mortgaged premises exceeds amounts paid under fire insurance policies in force respecting the premises unless the damage or loss shall have been repaired or replaced prior to settlement of any claim under the mortgage loan insurance, and any cost to the approved lender of effecting such repairs or replacements shall not be approved by the Corporation as a borrower's charge.

44. Within thirty days after the end of each calendar month, an approved lender shall mail to the Corporation a report in a form prescribed by the Corporation, listing all insured loans administered by it and which are in arrears as at the end of such month to the extent, in respect of monthly payment mortgages of an amount equal to, or in excess of, three

National Housing Act, 1954—continued

monthly instalments of principal, interest and taxes, and in respect of mortgages repayable by quarterly, semi-annual or annual instalments, in any amount, and advising the Corporation of the steps taken to remedy the arrears position of each mortgage account listed. Within thirty days of receipt of the report, the Corporation shall advise the approved lender that the steps taken by the approved lender are satisfactory to the Corporation, or alternatively, the steps which the Corporation requires to be taken before the approved lender may include in a claim for a loss settlement, interest referred to in paragraph (d) of subsection (1) of section 9 of the Act.

45. Within thirty days after the end of each calendar year, an approved lender shall mail to the Corporation in a form acceptable to the Corporation a list showing the number of the policy of mortgage loan insurance with the amount outstanding on each insured loan administered by the approved lender, such list to be as of the 31st day of December or the year end of the approved lender where the date of such year end falls between October 31st and December 31st, both dates inclusive.

46. If an insured loan is sold and the policy of mortgage loan insurance is assigned to an approved lender, the loan may be administered by any approved lender.

47. If an insured loan is sold and the policy of mortgage loan insurance is assigned to any person other than an approved lender, the approved lender selling such loan shall agree with the purchaser of the loan to administer the loan, or to arrange for another approved lender to administer the loan, until its maturity, in accordance with the Act and these regulations and to carry out such administration in accordance with normal mortgage practice.

48. (1) Any claim under a policy of mortgage loan insurance shall be filed by an approved lender in the form prescribed by the Corporation within thirty days, or such longer period as the Corporation may approve, from the date upon which the mortgagee acquires title to the mortgaged property by foreclosure or otherwise.

(2) Where foreclosure proceedings have been instituted, an approved lender shall apply for a final order of foreclosure and for possession of the mortgaged property at the earliest date that it is entitled in law so to do or within such time as shall have been approved by the Corporation.

49. A claim shall be submitted in a form prescribed by the Corporation and shall be accompanied by all title papers concerning the mortgaged property then in the possession of the claimant and, if required by the Corporation, by a draft of the proposed conveyance or transfer to the Corporation.

50. (1) The Corporation may, at its own expense, cause a search to be made of the title to the property, and shall, within thirty days from the receipt of a claim, advise the approved lender whether or not it has objection to the adequacy of title. The approved lender, at its option and within thirty days from receipt of notice of such objection, or such longer period as the Corporation may approve, shall either satisfy the objection or withdraw the claim.

National Housing Act, 1954—continued

(2) The Corporation shall not object to any title which is marketable in the opinion of leading solicitors and notaries generally with respect to the community in which the property is situated. The Corporation shall not object to such easements, restrictions or encroachments as would not be violated by the reasonable use of the land for residential purposes and the construction thereon of the housing project in accordance with the conditions under which the insured loan was made, nor to defects in title specified in the policy of mortgage loan insurance.

51. For the purpose of subsection (2) of section 9 of the Act, a property conveyed to the Corporation may be occupied by any person who was not the owner of the property at the time of its acquisition by the mortgagee nor a person related by blood or marriage to such owner,

- (a) in the case of a house, under a lease the unexpired term of which at the time of the conveyance to the Corporation does not exceed one year or such longer period as may be approved by the Corporation, or
- (b) in the case of a multiple family dwelling, under a lease the unexpired term of which at the time of the conveyance to the Corporation does not exceed three years or such longer period as may be approved by the Corporation.

52. When the Corporation has approved title to the property, the approved lender shall

- (a) if the approved lender has possession of the property or if the property is in possession of a person specified in regulation 51, forthwith tender to the Corporation a conveyance or transfer of the property containing such covenants and warranties as to the acts of the grantor as the Corporation may require and, subject to regulation 51, possession of the property; or
- (b) if the approved lender has not obtained possession of the property which is not in possession of a person specified in regulation 51, forthwith enter into an agreement with the Corporation to convey the property to the Corporation, by conveyance or transfer, containing such covenants and warranties as to the acts of the grantor as the Corporation may require, when the approved lender has obtained possession of the property;

and the Corporation shall, within fifteen days from the receipt by it of such conveyance or transfer, pay to the approved lender the amount payable under the policy of mortgage loan insurance.

53. For the purpose of section 9 of the Act, borrowers' charges shall be deemed to be approved if disbursed by an approved lender in accordance with the terms of the mortgage to safeguard the interests of the mortgagee and the Corporation, for insurance premiums for fire and other perils insured against, for taxes and other rates or charges levied against the property which have priority over the mortgage, for any emergency expense not exceeding in cost \$100, and for such other purposes and in such amounts as may be approved by the Corporation in writing. An approved lender may either before or after foreclosure undertake the administration of a multiple family rental housing project and, in such event, any operating deficit arising out of such administration after offsetting all income against all operating expenses including an administration fee of 5% of gross rentals collected, shall be deemed to be a borrower's charge approved by the Corporation.

National Housing Act, 1954—continued

54. An approved lender shall exercise reasonable care and prudence in the administration of an insured loan and the collection of the repayment thereof and shall be deemed not to be negligent if it follows the normal practices and procedures that pertain to the approved lender's general practice. If an approved lender is negligent in the administration of the loan or in the protection of the loan security either before or after foreclosure, then the Corporation may deduct from any sum payable under the policy of mortgage loan insurance, the amount of the damages sustained by the Corporation as a result of such negligence. Should the Corporation and the approved lender be unable to agree on the extent of such negligence or of the damages arising therefrom, then the matter shall be referred for arbitration to a sole arbitrator acceptable to the Corporation and the approved lender, or if no sole arbitrator is acceptable to both parties, then to three arbitrators, one of whom is chosen by each party and the third of whom is chosen by the other two. The costs of the arbitration will be borne as shall be agreed by the parties or in default of agreement as determined in the arbitration award.

55. Where an insurance fee is charged to a borrower on a loan instalment pursuant to (i) of paragraph (a) or (i) of paragraph (b) of subsection (6) of section 6 of the Act, and where the loan instalments are not being insured, the Corporation shall at the request of the approved lender pay to it \$9.00 for each family housing unit comprising the project. The request from the approved lender shall be in a form prescribed by the Corporation. No portion of the application fee shall be payable to an approved lender for a loan which is not an instalment loan.

56. An approved lender may take such further collateral security as it may require for the repayment of an approved loan and in the case of an approved loan on a rental housing project containing ten or more housing units shall (except in the Province of Quebec) take in the making of such loan and maintain, collateral to the mortgage, a chattel mortgage on all machinery, plant, refrigeration equipment, gas and electric stoves, and other apparatus and equipment appurtenant to the project. Such chattel mortgage may be discharged on the replacement of the equipment which it covers and a new chattel mortgage shall be taken on such replacement equipment and the chattel mortgage or renewal thereof may, with the approval of the Corporation, be discontinued when half of the amount of the loan has been repaid.

57. To ensure compliance with the Act and these regulations, the Corporation may, by its authorized representative, during business hours of the approved lender, inspect the books, records and accounts of an approved lender with respect to any loans made pursuant to the Act.

PART II

58. An approved lender who has received an application for a loan authorized by section 15 of the Act may request an estimate by the Corporation of the cost of a proposed housing project and with such request shall forward to the Corporation in triplicate all plans, specifications and plot plans pertaining to the project and such other information as the Corporation may require.

National Housing Act, 1954—*continued*

59. On receipt of a request made pursuant to regulation 58, the Corporation shall advise the approved lender of its estimate of the cost of the project and of the conditions under which, on application, it would be prepared to enter into a contract to guarantee rentals of the project pursuant to section 14 of the Act.

60. An applicant who proposes to obtain a loan authorized by section 15 of the Act shall submit his application for a contract to guarantee rentals through the approved lender who is prepared to make the loan; an applicant who does not propose to obtain a loan authorized by section 15 of the Act shall submit his application for a contract to guarantee rentals to the Corporation and in either case the application shall be accompanied by an application fee in the amount of \$35.00 for each family housing unit in the project for which the application is submitted.

61. An approved lender who is prepared to make a loan to the applicant shall submit the application form for a contract to guarantee rentals in duplicate to the Corporation accompanied by \$26.00 of the application fee and, unless a request of estimated cost has been made pursuant to regulation 58, with three copies of all plans, specifications and plot plans pertaining to the project and such other information as the Corporation may require.

62. On receipt of an application, the Corporation shall on its prescribed form of undertaking to enter into a contract pursuant to section 14 of the Act, advise the approved lender and the applicant of the terms and conditions under which it will enter into such contract.

63. If an application for a commitment to guarantee rentals pursuant to section 14 of the Act, for a loan pursuant to section 16 or 17 of the Act or an application referred to in paragraphs (1) or (2) of regulation 68 is not approved as applied for and notice of withdrawal thereof is mailed to the Corporation within thirty days following the date of receipt by the applicant of the revised loan commitment or refusal of approval, the relevant application fee shall be refunded by the Corporation to the applicant.

64. A family housing unit of a rental housing project in respect of which a contract may be entered into by the Corporation pursuant to section 14 of the Act shall

- (a) have an average of not less than $3\frac{1}{2}$ standard rooms and bathroom;
- (b) have an average of $1\frac{1}{2}$ bedrooms; and
- (c) have an average livable floor area of not less than 700 square feet.

65. The rent to be charged in respect of each unit of a project in respect of which the Corporation has entered into a contract pursuant to section 14 of the Act shall not exceed, during the first three years after the completion of the unit

- (a) if the unit is fully serviced but not fireproofed, \$87.00 per month plus \$.07 or minus \$.05 per month for each square foot by which the livable floor area exceeds or is less than 800 square feet, respectively;

National Housing Act, 1954—continued

- (b) if the unit is not provided with services by the landlord and is not fireproofed, \$61.00 per month plus \$.05 or minus \$.04 per month for each square foot by which the livable floor area exceeds or is less than 800 square feet, respectively;
- (c) if the unit is partially supplied with services by the landlord, a rental determined in accordance with (b) plus an appropriate monthly rate, as determined by the Corporation, for the services provided;
- (d) if the unit is fireproofed, the maximum rates in (a), (b) or (c) may be increased by such amount, not exceeding \$4.00 per month, as the Corporation may determine.

provided that the rentals of any of the individual housing units within the project may, with the approval of the Corporation, exceed the aforesaid maximum rates if the total of the rentals chargeable for all of the housing units does not exceed the total rentals allowable within the aforesaid maximum rates.

66. A loan made pursuant to section 15 of the Act shall not exceed the maximum loan permitted for the proposed housing project as established in the attached Schedule "C".

67. An application for a loan pursuant to section 16 of the Act shall be made to the Corporation in the form prescribed by the Corporation and shall be accompanied by the plans, specifications and plot plan pertaining to the project in triplicate and by an application fee of \$10.00 for each family housing unit in the project for which the application is submitted provided that the Corporation may waive or refund one-half of the application fee if all the dividends payable by the applicant will not be taxable under the Income Tax Act when received by the shareholders.

68. (1) The Corporation may extend the time for commencement of construction imposed as a condition in an undertaking to guarantee rentals given under section 14 of the Act or in a commitment to make a loan under section 16 or 17 of the Act, by a further period expiring not later than thirty days from the date of such extension if

- (a) an application for such extension has been submitted in writing by the applicant within thirty days after the expiry of the time stipulated for commencement of construction;
- (b) such application is acceptable to the Corporation;
- (c) such application is accompanied by a fee of \$5.00 for each housing unit in the project in respect of which the application is submitted; and
- (d) no previous extension has been made to the stipulated time for commencement of construction.

(2) The amount of the rentals which the Corporation has undertaken to guarantee in an undertaking to insure given pursuant to section 14 of the Act or the amount of loan in respect of which the Corporation has issued a loan commitment pursuant to section 16 or 17 of the Act may be increased subsequent to such commitment being issued if

National Housing Act, 1954—continued

- (a) the amount of the rentals guaranteed or of the loan, as the case may be, as increased does not exceed the maximum allowable under the Act or these regulations;
- (b) the applicant applies in writing for such increase prior to completion of construction of the housing project;
- (c) where the applicant proposes to change the work from that shown on the plans or specifications approved for the project, the application for such increase is accompanied by an application fee equal to the greater of \$2.00 or 1% of the requested increase in the loan or estimated cost of construction, as the case may be; and
- (d) the application is acceptable to the Corporation.

69. An application for a loan pursuant to section 17 of the Act shall be made to the Corporation in a form prescribed by the Corporation and shall be accompanied by the plans, specifications and plot plan pertaining to the project in triplicate, and by an application fee of one-half of one per cent of the amount of the loan applied for or \$35.00 for each family housing unit in the project for which the application is submitted, whichever is the lesser and if a loan is approved in an amount other than the amount applied for the application fee shall be adjusted between the borrower and the Corporation accordingly.

PART IV

70. For the purposes of Part IV of the Act and these regulations,

- (a) "home" means
 - (i) for the purpose of Home Improvement Loans: (a) a one family dwelling, a semi-detached dwelling or multiple family dwelling containing not more than four family housing units which is occupied or suitable for occupancy, together with garages and other incidental outbuildings located on the same lot or adjoining lot of which the borrower is the owner; (b) a building containing a combined store and dwelling but only if the building may be fairly considered as a dwelling place: provided that a home shall not include a building used as an hotel;
 - (ii) for the purpose of Home Extension Loans: (a) a house or multiple family dwelling which is occupied or suitable for occupancy, together with garages and other incidental outbuildings located on the same lot or adjoining lot of which the borrower is the owner; (b) a building containing a combined store and dwelling provided that the part of the building to which the alterations and additions are to be made may be fairly described as a dwelling; provided that a home shall not include a building used as an hotel or a summer residence or a dwelling used for seasonal occupancy;
- (b) "lender" means a bank or an approved instalment credit agency;
- (c) "loan" means a Home Improvement Loan or a Home Extension Loan;
- (d) "owner" means
 - (i) for the purpose of Home Improvement Loans any person capable of holding and holding real or immovable property who has his ordinary residence in the home for the improve-

National Housing Act, 1954—continued

- ment of which the proceeds of the loan are to be expended and includes a mortgagor of property who has an equity of redemption therein under a mortgage, trust agreement, or contract, a purchaser of property under an agreement for sale which has either been registered or recorded by way of caveat; a lessee of property under a lease expiring not less than three years after the maturity of any loan made to such lessee under the Act; a lessee of land under a lease from the Crown or from any municipality or from any Corporation, provided that the lessee owns a home located thereon; a veteran with whom the Director, Veterans' Land Act, has a subsisting contract for the sale of land made pursuant to Part I of the Veterans' Land Act;
- (ii) for the purpose of Home Extension Loans any person, firm, partnership, estate, trustee, Corporation or other entity capable of holding and holding real or immovable property; and shall include a mortgagor of property who has an equity of redemption therein under a mortgage, trust agreement, or contract; a mortgagee of property who is in possession thereof; a purchaser of property under an agreement for sale which has either been registered or recorded by way of caveat; a lessee of property under a lease expiring not less than three years after the maturity of any loan made to such lessee under the Act; a lessee of land under a lease from the Crown or from any municipality or from any Corporation provided the lessee owns a home located thereon; a veteran with whom the Director, Veterans' Land Act, has a subsisting contract for the sale of land made pursuant to Part I of the Veterans' Land Act;
- (e) "responsible officer" includes the president, vice-president, general manager, assistant general manager, secretary, treasurer, branch manager, assistant manager, supervisor or accountant of a bank or approved instalment credit agency and the person for the time being acting in such capacity;
- (f) "repairs, alterations and additions" for the purpose of Home Improvement Loans means repairs, alterations or additions to a home intended for the improvement of such home and without limiting the generality of the foregoing includes work involving expenditure for labour, materials and equipment in connection with
- (i) structural alterations or repairs to an exterior or an interior of a home;
 - (ii) additions to a home, including the addition of one or more rooms or storeys but not including the addition of one or more family housing units for which purpose a Home Extension Loan may be made;
 - (iii) the erection of or alterations or additions to an attached or detached garage or outbuildings but excluding the erection of the principal dwelling;
 - (iv) the demolition or moving of buildings or part thereof;

National Housing Act, 1954—continued

- (v) the purchase, installation, repair or improvement of heating systems including equipment to be permanently installed, such as stokers, oil burners and wood, coal, gas, and electric furnaces and boilers, which are a part thereof;
- (vi) the purchase, installation, repair or improvement of electric light and power systems, including private lighting and power plants and connections to power lines to be permanently installed;
- (vii) the purchase, installation, repair or improvement of fire control systems and plumbing systems, including water heaters, sinks, tubs and other plumbing fixtures to be permanently installed;
- (viii) the purchase, installation, repair or improvement of built-in air conditioning and heat control systems;
- (ix) painting, paper hanging, and general decorating including an over-all floor covering, made, cut or prepared to fit a particular room, but excluding such items as curtains, drapes and rugs;
- (x) the purchase, construction, installation, repair or improvement of a sewage disposal system or any portion thereof, including septic tanks and connections to public sewers;
- (xi) the erection, repair or improvement of fences, the construction or repair of private driveways, roadways, sidewalks or curbs and landscaping of a permanent character;
- (xii) the sinking, making, installation, repair or improvement of wells and all types of water supply systems for the home;
- (g) "alterations and additions", for the purpose of Home Extension Loans means such alterations and additions as are required to add one or more family housing units to an existing home and without limiting the generality of the foregoing shall include work relative thereto involving expenditure for labour, materials and equipment in connection with the addition of one or more rooms or storeys and items (i), (iii), (iv), (v), (vi), (vii), (viii), (ix) and (x) listed in (f) above.

71. An applicant for a Home Improvement Loan shall submit a signed application in triplicate on Form H.I. 1 in schedule D hereto.

72. An applicant for a Home Extension Loan shall submit a signed application in triplicate on Form H.E. 1 in schedule E hereto, together with plans and specifications in duplicate of the proposed alterations or additions. The plans shall be at least as detailed as are required for purposes of the local building inspector.

73. A responsible officer of the lender shall scrutinize and check the application with the care required of him by the lender in the conduct of its ordinary business and shall certify that to the best of his knowledge the conditions and purpose of the loan are such as to qualify it as a guaranteed loan and that in his opinion from the information contained in the application the amount of the loan when added to the amount of existing encumbrances including taxes against the property will not exceed the value of the completed property.

National Housing Act, 1954—continued

74. (1) A Home Extension Loan application, plans and specifications shall be submitted in duplicate by the lender to the Corporation for approval and the Corporation shall advise the lender of its decision and until the application has been approved in writing by the Corporation any loan made thereunder shall not qualify as a guaranteed loan;

(2) The Corporation may require a credit report on the applicant for a Home Extension Loan.

(3) A Home Improvement Loan application shall be submitted in duplicate by the lender to the Corporation.

(4) If in the opinion of the Corporation the amount of a Home Improvement Loan applied for is in keeping with the repairs, alterations and additions proposed, the Corporation shall upon receipt of the application so advise the lender in writing and, until such advice has been received by the lender, any loan made under such application shall not qualify as a guaranteed loan.

75. The lender shall collect from the borrower when making a loan the insurance fee specified in paragraph (i) of subsection (1) of section 24 of the Act and shall within seven days thereafter remit to the Corporation the amount so collected.

76. In no event shall a Home Extension Loan be made with respect to any property upon which all municipal taxes, rates, assessments and local improvement taxes have not been paid in full to the last due date.

77. Every promissory note for a loan shall be on a form H.I. 2 of schedule D hereto for a Home Improvement Loan or H.E. 2 of schedule E hereto for a Home Extension Loan and shall be signed as maker by an owner of the home upon which the proceeds of the loan are to be expended. The note shall be repayable in monthly instalments together with interest.

78. Where the owner is a married person and the loan is made in respect of a house which is occupied by the owner the note shall be endorsed by the husband or wife of such owner, unless at the request of the lender this requirement is specifically waived by the Corporation in approving an application for a loan; provided that in respect of loans made in the Province of Quebec the wife of an owner shall not by this regulation be required to endorse the note.

79. Except in the case of a loan provided for in regulation 78, where the owner is a married person the note shall also be signed as maker by the husband or wife of such owner, unless at the request of the lender the requirement is specifically waived by the Corporation; provided that in respect of loans made in the Province of Quebec the wife of an owner shall not by this regulation be required to sign the note.

80. If a loan is made other than to an owner who occupies a one-family dwelling in respect of which the proceeds of the loan are to be expended, the lender at the inception of the loan or at any time prior to default may take such security as may be deemed appropriate in the circumstances and

National Housing Act, 1954—continued

in the case of a Home Extension Loan as may be authorized by the Corporation in addition to the signature of the husband or wife of the owner referred to in regulations 78 and 79.

81. Where an overcharge of interest is made by the lender in good faith and the borrower is credited with the amount of such overcharge upon discovery by the lender or upon notification by the Corporation to the lender, the liability of the Corporation to the lender shall not be discharged to any extent.

82. Where a lender discovers that a statement in an application for loan is false in any material respect, or that a borrower has used or is using the proceeds of a loan otherwise than for the purpose specified in the application, the lender may take any action which the lender deems proper in the circumstances and the lender shall immediately report the situation to the Corporation which may request the lender to take such action or further action as it may require.

83. Where notwithstanding that an application has been scrutinized and checked by a responsible officer of the lender with the care required of him by the lender in the conduct of its ordinary business, it is discovered that a false material statement has been made therein or that the proceeds of the loan have been or are being used otherwise than for the purpose specified in the application, the liability of the Corporation to the lender shall not for such reason be discharged to any extent.

84. Where a borrower is in default in respect of any payment for a period greater than thirty days, the balance of the loan outstanding shall at the option of the lender thereupon become due and payable; and the lender shall declare the loan due and payable when the amount in arrears is equal to or is in excess of six monthly instalments of principal.

85. After the balance of the loan outstanding has become due and payable, whether under regulation 84 or otherwise, the lender may,

- (a) take such steps whether by legal proceedings or otherwise as it considers advisable to effect collection of the loan;
- (b) obtain whatever security it considers advisable in the circumstances;
- (c) realize upon its security to such extent as it deems advisable;
- (d) to the extent that it considers advisable effect any compromise with or grant any concession to any person other than the borrower;

all without in any way discharging the liability of the Corporation to the lender to any extent.

86. Subject to the borrowers right to stipulate how a payment is to be applied the lender shall first apply all payments from or on behalf of the borrower in payment to the lender of interest on overdue instalments before applying the payment to the principal balance outstanding on the loan.

87. Where a borrower is in default or advises the lender that some of the terms of his agreement in connection with his loan are such that he will have to default, and where in either case the lender is of the opinion that

National Housing Act, 1954—continued

a revision of some of the terms of the agreement will enable the borrower to meet his obligation, the lender may with the borrower's approval alter or revise the agreement in any or all of the following ways:—

- (a) by extending the time within which the lender must be entirely repaid, even if such extension exceeds the terms of paragraph (f) of subsection 1 of section 24 of the Act;
- (b) by reducing the amount of periodic instalments or by increasing them if they are to be paid less frequently;
- (c) by increasing or decreasing the periods between such instalments, but in no case are such periods to exceed three months in the case of a Home Improvement Loan except with the approval in writing of the Corporation, or in the case of a Home Extension Loan, one year.

88. Where the terms of the altered or revised agreement do not exceed the limitations imposed by paragraph (f) of subsection (1) of section 24 of the Act, the liability of the Corporation to the lender shall not be discharged if the lender notifies the Corporation promptly by registered mail of such alteration or revision and the reasons therefor.

89. Where the terms of the altered or revised agreement would result in the limitations imposed by paragraph (f) of subsection 1 of section 24 of the Act being exceeded, the agreement shall not become effective until the lender has received the approval of the Corporation; upon such approval the alteration or revision shall not discharge the liability of the Corporation to the lender to any extent.

90. (1) The lender shall send to the Corporation within 30 days following the last day of March, June, September and December, respectively, quarterly reports showing particulars of Home Improvement Loans made in the quarterly period on Form H. I. 3 in schedule D hereto or a form to the like effect, and showing particulars of Home Extension Loans made in the quarterly period on Form H. E. 3 in schedule E hereto or a form to the like effect.

(2) The lender shall send to the Corporation within 30 days following the last day of March, June, September and December, respectively, quarterly reports showing particulars of loans in default for over 60 days for Home Improvement Loans on Form H. I. 4 in schedule D hereto or a form to the like effect and showing particulars of Home Extension Loans in default for over 60 days on Form H. E. 4 in schedule E hereto or a form to the like effect.

(3) The lender shall furnish the Corporation with such other information as the Corporation may require from time to time.

91. A claim for a loss sustained by the lender in respect of any loan may be made to the Corporation at any time after the balance of the loan outstanding becomes due and payable whether as provided in regulation 84 or otherwise.

92. Where the lender has not claimed under regulation 91, further efforts to collect shall be made and if the aggregate payments made by the borrower during the first year after the balance of the loan outstanding becomes due and payable whether as provided in regulation 84 or other-

National Housing Act, 1954—continued

wise, do not amount to ten per centum of such balance, a claim shall be made to the Corporation within 60 days after the end of such year or thereafter if the Corporation approves; if ten per centum or more thereof has been paid and in any subsequent six-month period the aggregate payments made by the borrower do not amount to five per centum of such balance a claim shall be made to the Corporation within 60 days after the end of such period or thereafter if the Corporation approves; provided that in any event a claim shall be made to the Corporation within five years after the balance of the loan outstanding became due and payable or thereafter if the Corporation approves.

93. A claim on a Home Improvement Loan shall be submitted by the lender to the Corporation on Form H. I. 5, in schedule D hereto for a Home Improvement Loan or a form to the like effect or on Form H. E. 5 in schedule E hereto or a form to the like effect for a Home Extension Loan, accompanied by every note representing the loan.

94. The amount of loss sustained by an approved lender in respect of a loan for which claim for loss has been submitted shall include—

- (a) the unpaid amount of the loan;
- (b) the uncollected earned interest calculated at the loan interest rate less two until the claim is approved for payment;
- (c) any uncollected taxed or taxable costs and any disbursements for or incidental to legal or other proceedings in connection with the loan; and
- (d) legal fees, costs and disbursements, whether taxable or not, actually incurred by the bank, whether with or without litigation, in collecting or endeavouring to collect outstanding loans or in protecting the interests of the Corporation, but only to the extent which the Corporation may allow.

95. Notwithstanding that all monies owing by the borrower on account of the loan have been recovered, the Corporation may pay to the lender amounts in respect of losses incurred by it for the costs and disbursements specified in paragraph (c) of regulation 94 that cannot be recovered from the borrower.

96. Claims for loss shall be approved for payment by the Corporation within sixty days after receipt thereof and shall thereupon be paid forthwith.

97. Upon payment of the loss in respect of a guaranteed loan being made by the Corporation the lender shall forward a receipt in favour of the Corporation in accordance with Form H.I. 6 of schedule D hereto in respect of a Home Improvement Loan or Form H.E. 6 of schedule E hereto in respect of a Home Extension Loan.

98. The lender shall deal with any security held by it for the loan as the Corporation may direct and at the Corporation's expense.

99. The lender shall, on behalf of the Corporation and notwithstanding the full settlement of its claim for loss, take such reasonable steps as the Corporation may deem necessary to collect payments of principal and

National Housing Act, 1954—*continued*

interest due by the borrower and shall realize upon any security provided for under these regulations; such amounts as may be collected or realized to be remitted to the Corporation every six months, and the actual expenses of the loan in so collecting or attempting to collect or realize shall be paid by the Corporation to the lender.

Forms

Copies of the forms contained in Schedule A (Mortgage Loan Insurance Policy), Schedule B (Mortgages securing loans), Schedule D (Home Improvement Loans) and Schedule E (Home Extension Loans) may be obtained on application to Central Mortgage and Housing Corporation, Ottawa.

National Housing Act, 1954—continued

SCHEDULE "C" TO NATIONAL HOUSING LOAN REGULATIONS
MAXIMUM LOANS PER UNIT

Type of Structure	Size of Unit	Maximum Loan Level for or up to Area Shown	Add for Additional Area per Unit	Deduct for Area less than Base per Unit	Maximum Loan
OWNER-OCCUPIED					
One-family dwelling.....	750 sq. ft.	\$8,000	\$9.00 per sq. ft.	Nil	\$12,800
Semi-detached dwelling.....	750 sq. ft.	7,500	9.00 per sq. ft.	Nil	12,300
Row family dwelling.....	750 sq. ft.	7,000	8.00 per sq. ft.	Nil	10,600
Home-owner Duplex (<i>See Note 2</i>).....					15,300
Home-owner semi-detached house (<i>See Note 2</i>).....					22,100
RENTAL HOUSING					
One-family dwelling.....	750 sq. ft.	\$7,350	\$8.00 per sq. ft.	Nil	\$11,600
Semi-detached dwelling.....	750 sq. ft.	6,800	8.00 per sq. ft.	Nil	11,050
Row family dwelling.....	750 sq. ft.	6,200	8.00 per sq. ft.	Nil	9,800
Rental Duplex (<i>See Note 2</i>).....					14,600
Multiple Family Dwelling (Fully serviced, fireproof construction. <i>See Note 3</i>).....	800 sq. ft. (Average livable floor area per unit)	6,000	5.00 per sq. ft.	4.00 per sq. ft.	7,000*
Multiple Family Dwelling (Fully serviced, frame construction. <i>See Note 3</i>).....	800 sq. ft. (Average livable floor area per unit)	5,600	5.00 per sq. ft.	4.00 per sq. ft.	6,600*
CO-OPERATIVE HOUSING					
One-family dwelling.....	750 sq. ft.	\$8,000	\$9.00 per sq. ft.	Nil	\$12,800
Semi-detached dwelling.....	750 sq. ft.	7,500	9.00 per sq. ft.	Nil	12,300
Row family dwelling.....	750 sq. ft.	7,000	8.00 per sq. ft.	Nil	10,600
If the co-operative meets the requirements of 8 (1) (b) (i) of the Act: Duplex (<i>See Note 2</i>).....					15,300
Multiple Family Dwelling (Fully serviced, fireproof construction. <i>See Note 3</i>).....	800 sq. ft. (Average livable floor area per unit)	6,000	5.00 per sq. ft.	\$4.00 per sq. ft.	7,000*
Multiple Family Dwelling (Fully serviced, frame construction. <i>See Note 3</i>).....	800 sq. ft. (Average livable floor area per unit)	5,600	5.00 per sq. ft.	4.00 per sq. ft.	6,600*

National Housing Act, 1954—continued

If the co-operative meets the requirements of 8 (1) (b) (ii) of the Act:	Home-owner Duplex (<i>See</i> Note 2).....	.....	.....	.....	.....	\$15,300 22,100
	Home-owner semi-detached house (<i>See</i> Note 2).....	.....	.....	.....	.....	7,000*
Multiple Family Dwelling (Fully serviced, fireproof construction. <i>See</i> Note 3).....	.....	.....	.....	.....	.....	.....
	.....	800 sq. ft. (Average livable floor area per unit)	\$6,000	\$5.00 per sq. ft.	\$4.00 per sq. ft.	.....
Multiple Family Dwelling (Fully serviced, frame construction. <i>See</i> Note 3).....	.....	800 sq. ft. (Average livable floor area per unit)	5,600	5.00 per sq. ft.	4.00 per sq. ft.	6,600*
	.....	800 sq. ft. (Average livable floor area per unit)	\$4,000	\$4.50 per sq. ft.	\$3.50 per sq. ft.	\$ 5,000*
HOME CONVERSION.....	.....	.....	.....	.....	.....	.....

DEFENCE WORKERS' HOUSES	.....	.....	.....	.....	.....	.....

One-family dwelling.....	.....	750 sq. ft.	\$8,300	\$9.00 per sq. ft.	Nil	\$11,000
	.....	750 sq. ft.	7,650	9.00 per sq. ft.	Nil	10,350
Semi-detached dwelling.....	.....	750 sq. ft.	7,100	8.00 per sq. ft.	Nil	9,400
	.....	750 sq. ft.	.....	.....	.....	14,000
Row family dwelling.....	.....	.....	.....	.....	.....	19,550

Home-owner Duplex (<i>See</i> Note 2).....	.....	.....	.....	.....	.....	.....

Home-owner semi-detached house (<i>See</i> Note 2).....	.....	.....	.....	.....	.....	.....

RENTAL INSURANCE	.....	.....	.....	.....	.....	.....

One-family dwelling.....	.....	750 sq. ft.	\$7,800	\$8.00 per sq. ft.	Nil	\$12,050
	.....	750 sq. ft.	7,250	8.00 per sq. ft.	Nil	11,500
Semi-detached dwelling.....	.....	750 sq. ft.	6,600	8.00 per sq. ft.	Nil	10,200
	.....	.....	.....	.....	.....	15,500
Row family dwelling.....	.....	.....	.....	.....	.....	.....

Rental Duplex (<i>See</i> Note 2).....	.....	.....	.....	.....	.....	.....

Multiple Family Dwelling (Fully serviced, fireproof construction. <i>See</i> Note 3).....	.....	800 sq. ft. (Average livable floor area per unit)	6,400	5.00 per sq. ft.	\$4.00 per sq. ft.	7,400*
	.....	800 sq. ft. (Average livable floor area per unit)	6,000	5.00 per sq. ft.	4.00 per sq. ft.	7,000*
Multiple Family Dwelling (Fully serviced, frame con- struction. <i>See</i> Note 3).....	.....	.....	.....	.....	.....	.....

* Per family housing unit.
* Per family housing unit.

NOTE 1:—To any loan computed in accordance with this table must be added the mortgage loan insurance fee appropriate to the loan.
NOTE 2:—The maximum loan covers two units. A loan on a duplex or home-owner semi-detached house shall be reduced by a proportionate amount determined by Central Mortgage and Housing Corporation when fixed heating equipment is not installed in both family housing units.
NOTE 3:—To the extent that construction varies between frame construction and fully fireproofed construction, the maximum loan shall be a proportionate variation determined by Central Mortgage and Housing Corporation. The maximum loans may be increased by not more than 80% of the value of any elevators, garages, commercial space, or fully paid for municipal services appropriate to the project.
NOTE 4:—When the Corporation has given a buy-back commitment in respect of defence workers' loans, the maximum sale price of any house covered by such commitment shall not exceed the appropriate maximum loan plus one-ninth thereof.

National Housing Act, 1954—concluded**2. Maximum rates of interest established**

P.C. 1954-410

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 19th day of March, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Public Works and pursuant to section 4 of the National Housing Act, 1954, is pleased to make the following regulation, and it is hereby made and established, accordingly.

Regulation

The maximum rates of interest payable by a borrower in respect of a loan to be made under the Act shall not exceed

- (a) if the loan is made under Part I, $5\frac{1}{2}$ per centum per annum computed semi-annually and not in advance;
- (b) if the loan is made under section 15, $5\frac{1}{2}$ per centum per annum computed semi-annually and not in advance;
- (c) if the loan is made under section 16, $3\frac{3}{4}$ per centum per annum computed semi-annually and not in advance;
- (d) if the loan is made under section 17, $4\frac{3}{4}$ per centum per annum computed semi-annually and not in advance;
- (e) if the loan is a Home Improvement loan, $5\frac{1}{2}$ per centum per annum as long as the borrower is not in default;
- (f) if the loan is a Home Extension loan made under Part IV, $5\frac{1}{2}$ per centum per annum as long as the borrower is not in default.

NATIONAL LIBRARY ACT. (R.S.C., 1952, c. 330)**National Library Book Deposit Regulations**

The following regulations governing the deposit of copies of books in the National Library of Canada are hereby made by the Minister of Citizenship and Immigration pursuant to subsection (4) of section eleven of the National Library Act, effective December 1, 1954.

1. These regulations may be cited as the *National Library Book Deposit Regulations*.

National Library Act—concluded

2. Where the copies of a book are not of a uniform quality one of the two copies to be delivered to the National Librarian shall be a copy of the best edition of the whole book with all maps and illustrations belonging thereto, prepared with the best materials with which the book is produced; the second copy to be delivered may be prepared with the materials with which the largest number of the book is produced.

3. Where the retail value of the two copies required to be delivered to the National Librarian exceeds in the aggregate twenty-five dollars, the publisher of the book is deemed to have complied with the requirements if, at his own expense, he delivers one copy only of the book, equal in quality to the best quality produced.

4. Copies of the following classes or kinds of books are not required to be delivered to the National Librarian unless specifically requested by him:

- (1) Newspapers;
- (2) Periodicals or serial publications of which more than two issues are published per annum;
- (3) Annual reports of companies and business organizations;
- (4) Publications wholly or mainly in the nature of trade catalogues and trade advertisements;
- (5) Trade forms, wrappers, labels, prospectuses and price lists;
- (6) Publications wholly or mainly in the nature of time tables of transport services;
- (7) Publications wholly or mainly in the nature of blank books of accounts, blank forms of receipts, or other forms of a similar character;
- (8) Publications wholly or mainly in the nature of calendars;
- (9) Wall sheets printed with alphabets, mottoes, religious texts or quotations;
- (10) Drawing and colouring books and books of cut-outs for children;
- (11) Books of cartoons, comic books, and picture books for children the retail price of which is less than twenty-five cents;
- (12) Books neither written nor illustrated by Canadians, nor manufactured wholly or in part in Canada, nor relating in any substantial way to Canada.

Made at Ottawa this twelfth day of October 1954.

J. W. PICKERSGILL,
Minister of Citizenship and Immigration.

NATIONAL PARKS ACT. (R.S.C., 1952, c. 189)

	Page
1. <i>National Parks (Alberta) Health and Welfare Tax Regulations</i>	2330
2. <i>Fishing regulations</i>	2332
3. <i>Theatre and motion picture regulations</i>	2340
4. <i>Garbage regulations</i>	2345
5. <i>Ice removal regulations</i>	2349
6. <i>Game regulations</i>	2350
7. <i>Forest protection regulations</i>	2355
8. <i>Natural gas regulations</i>	2358
9. <i>Timber regulations</i>	2369
10. <i>National Historic Parks—schedule of areas established</i>	2374
11. <i>Grazing regulations</i>	2381
12. <i>Wood Buffalo Park Game regulations</i>	2384
13. <i>Forest telephone regulations</i>	2397
14. <i>Business regulations</i>	2400
15. <i>Electrical regulations</i>	2404
16. <i>Building regulations</i>	2409
17. <i>Water regulations</i>	2413
18. <i>Highway traffic regulations</i>	2425
19. <i>Waterton Lakes National Park sewer regulations</i>	2435
20. <i>Waterton Lakes National Park water regulations</i>	2440
21. <i>National Parks General regulations</i>	2446

1. National Parks (Alberta) Health and Welfare Tax Regulations

P.C. 1954-14

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 7th day of January, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the powers conferred by the National Parks Act, is pleased to order as follows:

1. The regulations governing the levying of a tax upon residents of National Parks in Alberta for health and welfare services, established by Order in Council P.C. 2473 of 16th May, 1950, as amended, are hereby revoked; and

National Parks Act—continued

2. The annexed "Regulations governing the levying of a Tax upon residents of National Parks in Alberta for health and welfare services" are hereby made and established in substitution for the Regulations hereby revoked.

REGULATIONS GOVERNING THE LEVYING OF A TAX UPON RESIDENTS
OF NATIONAL PARKS IN ALBERTA FOR HEALTH AND WELFARE
SERVICES

1. These regulations may be cited as the National Parks (Alberta) Health and Welfare Tax Regulations.

2. In these regulations

- (a) "park" means a National Park situated within the Province of Alberta;
- (b) "resident" means a person who has attained the age of eighteen years and who has been ordinarily resident in a Park for six months of the year immediately preceding the year for which a tax is payable;
- (c) "Superintendent" means the Superintendent of a Park and includes any person authorized to act for and in the name of the superintendent.

3. (1) For the year nineteen hundred and fifty-four and for each year thereafter each resident shall pay a tax of one dollar to the Superintendent for health and welfare services.

(2) Subsection one does not apply to

- (a) a resident who has not attained the age of twenty-one years and who is wholly dependent upon a parent or other person for support;
- (b) a resident who has attained the age of twenty-one years and who is wholly dependent upon a parent or other person for support by reason of mental or physical infirmity;
- (c) a resident who is in receipt of Blind Persons Allowance, Mother's Allowance, Old Age Assistance, Widow's Pension, or indigent relief under the laws of the Province of Alberta;
- (d) a resident who is in receipt of a pension under the Old Age Security Act (Canada) and who also is in receipt of a supplementary allowance under the Old Age Pensions (Supplementary allowance) Act of the Province of Alberta;
- (e) a resident who pays to an Improvement District taxes on freehold lands in a National Park.

4. The Superintendent shall compile as soon as possible after the first day of January in each year, a register to be known as the Welfare Tax Register, showing the name and address of every resident who is liable to pay a tax for that year and the amount of the tax payable by such resident.

5. A tax is payable to the Superintendent within thirty days after the demand thereof by the Superintendent.

6. The production of the Welfare Tax Register or a copy thereof or so much thereof as relates to the tax payable by a person, purporting to be certified by the Superintendent as a true copy, shall in any action, cause

National Parks Act—continued

or proceeding, be *prima facie* evidence that the tax is payable as and by the person disclosed thereby and that demand of the tax entered therein as given, was duly given.

7. Where a person refuses or neglects to pay a tax within thirty days following demand, the Superintendent may levy the amount of the tax by distress and sale of the goods and chattels of the person in default together with the costs of the distress and sale.

8. (1) Every resident of a Park shall before the thirty-first day of December in each year furnish the Superintendent on a form to be obtained from him the following information:

- (a) his full name and address, age and marital status;
- (b) the date on which he established residence in the park; and
- (c) any further information required by the Superintendent.

(2) Every person, firm or corporation employing any person in a Park shall before the thirty-first day of December in each year furnish the Superintendent on a form to be obtained from him a list of his employees, together with the address, age and marital status of each person and the date on which he established residence in the Park.

2. National Parks Fishing Regulations

P.C. 1954-236

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of February, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the National Parks Act, is pleased to order as follows:

1. The Regulations governing Fishing in the National Parks of Canada, established by Order in Council P.C. 1953-514 of 2nd April, 1953, are hereby revoked; and

2. The annexed "Regulations governing Fishing in the National Parks of Canada" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING FISHING IN THE NATIONAL PARKS OF CANADA

1. These Regulations may be cited as the *National Parks Fishing Regulations*.

Interpretation

2. In these regulations,

- (a) "angling" means taking or attempting to take fish with hook and line, or with hook, line and rod under the immediate control of the person using the same, and includes trolling but does not include the use of set lines or lines tied to a boat;

National Parks Act—continued

- (b) "Department" means Department of Northern Affairs and National Resources;
- (c) "Director" means the Director of the National Parks Branch of the Department of Northern Affairs and National Resources;
- (d) "game fish" includes:
 - American grayling (*Thymallus signifier*)
 - Atlantic salmon (*Salmo salar*)
 - Brown trout (*Salmo trutta*)
 - Cutthroat trout (*Salmo clarkii*)
 - Dolly Varden or bull trout (*Salvelinus malma*)
 - Eastern brook trout (*Salvelinus fontinalis*)
 - Lake or grey trout (*Salvelinus namaycush*)
 - Largemouth black bass (*Micropterus salmoides*)
 - Pike (*Esox lucius*)
 - Rainbow or steelhead trout (*Salmo gairdneri*)
 - Rocky Mountain whitefish (*Prosopium williamsoni*)
 - Splake trout: hybrid between lake trout and Eastern brook trout.
 - White perch or silver bass (*Morone americana*)
 - Yellow perch (*Perca flavescens*)
 - Yellow walleye, yellow pikeperch, pickerel or doré (*Stizostedion vitreum*)
- (e) "gang-hook" means a combination of not more than three hooks fastened together and used as a unit;
- (f) "length" with respect to a fish means the length measured from the tip of the snout to the centre of the tail;
- (g) "Maligne Waters" includes Medicine Lake, Maligne Lake, Beaver Lake, Mona Lake, Lorraine Lake, and all streams flowing into said lakes in Jasper Park;
- (h) "Minister" means the Minister of Northern Affairs and National Resources;
- (i) "open season" with respect to any kind of fish means the period during which angling for that kind of fish is permitted within a Park;
- (j) "Park" means a National Park;
- (k) "park officer" means a person to whom the duty of assisting in the enforcement of these regulations has been assigned by the Superintendent;
- (l) "park warden" means an official appointed under the provisions of the *Civil Service Act* whose duties include the enforcement of these regulations;
- (m) "park waters" means lakes, rivers, streams, creeks, ponds and any other waters in a National Park;
- (n) "Superintendent" means the Superintendent of a park and includes any person authorized to act for or in the name of the Superintendent.

3. Except as authorized by these regulations, no person shall take or attempt to take fish in a park by any method other than angling.

National Parks Act—continued

4. (1) No person who is twelve years of age or over shall angle in Banff, Jasper, Waterton Lakes, Kootenay, Yoho, Prince Albert, and Riding Mountain Parks unless he is authorized to do so by a licence issued to him by the Superintendent.

(2) The fees to be charged for a licence to angle in Banff, Jasper, Waterton Lakes, Kootenay, Yoho, Prince Albert and Riding Mountain Parks shall be as follows:

(a) licence for the season\$2.00

(b) licence for a period of one month from the date of issue 1.00

(3) A licence to angle in a park shall be valid in all parks.

(4) When angling, a person to whom a licence to angle has been issued shall produce his licence at the request of a park warden or park officer.

5. (1) The Director may issue a licence to a person to net fish other than game fish in the waters of Waskesiu Lake in Prince Albert National Park and to sell such fish in that park when he is satisfied that such action is advisable for the purposes of game fish management.

(2) The Director may cancel any licence to net fish when he is satisfied that the licensee has violated any condition of his licence or any park regulation.

6. The Superintendent may cancel any angling licence when he is satisfied that the licensee has violated any of these regulations.

7. The open season for angling in park waters described in Part I of Schedule "A" hereto shall be as specified therein for those waters.

8. No person shall angle,

(a) for fish in a park except during the open season for that fish,

(b) in any park waters described in Part II of Schedule "A".

9. (1) The minimum length of a game fish taken from park waters that may be retained is, for that species of fish, as specified in Part I of Schedule "B" hereto.

(2) The minimum weight of Atlantic salmon taken from park waters that may be retained is as specified in Part II of Schedule "B" hereto.

10. (1) The number of fish of any species that a person catches and retains in any day shall not exceed the number of such species of fish specified in Schedule "C" hereto.

(2) When there is more than one angler in a boat not more than double the daily bag limit of any species of fish taken shall be retained by the anglers in that boat.

(3) No person shall have in his possession at any time more than double the number of such species of fish that he is permitted by these regulations to catch and retain on any one day.

11. No person shall angle between two hours after sunset on any day and one hour before sunrise on the day immediately following.

National Parks Act—continued

12. No person when angling shall use at one time more than two artificial flies, or more than one of any other type of lure or bait, and such lure or bait shall not be provided with more than two single hooks or two gang-hooks or one single and one gang-hook.

13. When angling, no person shall use,

- (a) a multiple spinner bait (a lure with more than two blades, spoons, or spinners on a single line); or
- (b) a phosphorescent or illuminated bait.

14. No person shall use a landing or dip net except as an auxiliary to angling with rod and line or troll.

15. No person shall use for bait or have in his possession in a park live fish eggs, live minnows or other small fish.

16. Unless authorized by the Director, no person shall introduce live fish into park waters or transfer live fish from one body of water to another body of water in a park.

17. Without the permission in writing of the Director, no person shall remove any aquatic invertebrates or plant life from park waters.

18. Except as authorized by the Director, no person shall obstruct any river or creek, or the outlet or inlet to a lake or stream, in such a manner as to catch fish or to prevent the passage of fish.

19. No person shall place or in any way permit to pass into any park waters any saw-dust, oil, chemicals, mill tailings, mine wastes, or other refuse matter or deleterious substances of any kind.

20. (1) No person shall deposit any meat, bones, dead fish or parts of same, or other food for fish, in any park waters.

(2) Fish offal accruing from the cleaning of fish shall be buried, or burned in a camp-stove, fireplace or grill.

21. Except when authorized by a licence issued under these regulations, no person shall offer for sale, sell, trade, or barter any fish caught in a park.

22. No person who has taken or killed any game fish, suitable for human food, shall allow the flesh to be spoilt or wasted.

23. No person shall fish for, take, or attempt to take, fish in any pond or reservoir in a park used for propagating, protecting, conserving or displaying fish.

24. (1) No person engaged as a boatman or guide for the purpose of taking out angling parties shall take or attempt to take fish while so engaged.

(2) When any person who has employed a guide or boatman is convicted for a violation of the regulations, and the guide or boatman has not reported such violation prior to the laying of the information, the licence of the said guide or boatman may be cancelled by the Superintendent.

25. (1) No person shall angle in Maligne Waters without first reporting to the park officer named by the Superintendent to maintain a creel census.

National Parks Act—continued

(2) Each person who angles in Maligne Waters shall report his angling results to that park officer.

26. (1) No person shall fish for, retain, or kill at any time any salmon fry, parr, or smolt.

(2) No person shall fish for, catch, kill or retain any salmon in poor condition and returning to sea after spawning, which salmon are commonly called “kelt”, “spent”, or “slink” salmon.

(3) No person shall fish for salmon other than by artificial fly surface angling.

27. These regulations do not apply to park officers or park wardens carrying out fisheries investigations and management in a park.

Schedule “A”**PART I****OPEN SEASONS FOR ANGLING**

(both dates inclusive sections 7 and 8 (a))

1. BANFF PARK

- (a) Bow River, from Massive Bridge, crossing Bow River, to one-quarter mile below Bow Falls;
Rocky Mountain whitefish and
Dolly Varden May 1 to October 31.
- (b) Lake Minnewanka and Ghost Lakes;
all species May 15 to September 15.
- (c) Seven Miles West Beaver Ponds, Sundance Creek Beaver Ponds,
and Healy Creek Beaver Ponds;
all species June 1 to September 15.
- (d) The three Vermilion Lakes and connecting streams and beaver
ponds;
all species June 15 to September 15.
- (e) Boom Lake and Boom Creek;
all species July 15 to September 30.

2. JASPER PARK

- (a) Pyramid Lake and Creek;
(i) lake trout May 15 to September 15.
(ii) other species June 1 to September 30.
- (b) Talbot Lake and Edna Lake;
pike May 15 to September 30.
- (c) Adolphus Lake, Lake Annette, Lac Beauvert, Buck Lake, Dead
Man’s Hole, Dolly Lake, Hardisty Lake, Horseshoe Lake, Jacques
Lake, Lake Patricia, Maligne Waters, (Medicine Lake and Maligne
Lake, Beaver Lake, Mona Lake, Lorraine Lake and all streams
flowing into said Lakes) and Sunwapta River and backwaters;
all species June 1 to September 30.

National Parks Act—continued

- (d) Athabasca River from the Bridge on the Old Road to Jasper Park Lodge to one-quarter mile below the mouth of the Maligne River, and Snaring River from one-quarter mile above the bridge on the main highway to the confluence with the Athabasca River;
Rocky Mountain whitefish and
Dolly Varden May 1 to October 31.
- (e) All other lakes and streams;
all species July 1 to dates as specified in
Section 9.

3. WATERTON LAKES PARKS

- (a) In the Dardanelles, between Lower Waterton Lake and Knight's Lake, and in the Waterton River, between Knight's Lake and the Park boundary;
Rocky Mountain whitefish lake
Dolly Varden May 1 to October 31.
- (b) Linnet Lake;
all species July 1 to September 15.

4. KOOTENAY PARK

- Olive Lake;
all species July 1 to September 15.

5. YOHO PARK

- Sink Lake;
all species July 1 to September 15.

6. RIDING MOUNTAIN PARK

- Clear Lake;
all species June 13 to September 15.

7. CAPE BRETON HIGHLANDS PARK

- (a) Clyburn Brook and Broad Cove;
Eastern brook trout and white
perch May 15 to September 15.
- (b) All waters in Cape Breton Highlands Park other than Clyburn Brook and Broad Cove;
Eastern brook trout and white
perch June 1 to September 15.

8. PRINCE EDWARD ISLAND AND FUNDY PARKS

- All waters;
Eastern brook trout and white
perch June 1 to September 15.

9. ALL NATIONAL PARKS

All other park waters except those named above and those enumerated in Part II of this Schedule;

- (a) lake trout May 15 to September 15.
- (b) Dolly Varden, Rocky Mountain
whitefish, grayling, pike, yellow
walleye and yellow perch May 15 to September 30.

National Parks Act—continued

- (c) Eastern brook trout and brown troutJune 1 to September 30.
- (d) Atlantic salmonJune 15 to September 15.
- (e) rainbow trout and cutthroat trout .July 1 to September 30.
- (f) largemouth black bassJuly 15 to September 30.
- (g) all other species of fishMay 15 to September 30.

PART II

WATERS CLOSED TO ANGLING

Section 8 (b)

- 1. (a) Fortymile Creek Watershed above town water supply intake, Banff Park.
- (b) Herbert Lake, Banff Park.
- (c) Johnson Lake, and stream entering Johnson lake and connected beaver ponds, Banff Park.
- (d) Agnes Lake, Banff Park.
- 2. (a) Cabin Lake, Jasper Park.
- (b) Moab Lake, Jasper Park.
- (c) Honeymoon Lake, Jasper Park.
- 3. (a) The first or most easterly Heart Lake in Prince Albert Park.
- (b) Mud Creek, Prince Albert Park.
- 4. That part of Clear Lake in Riding Mountain Park situated within Sections 32 and 33, Township 19, Range 18, West of the First Meridian.
- 5. Cann and MacDougall Lakes, Cape Breton Highlands Park.

Schedule “B”

PART I

MINIMUM LENGTH OF GAME FISH THAT MAY BE RETAINED

Section 9 (a)

- 1. Lake trout and yellow walleyeFifteen (15) inches
- 2. Largemouth black bassTen (10) inches
- 3. Eastern brook trout
- (a) Cape Breton Highlands, Prince Edward Island and Fundy Parks. Six (6) inches
- (b) all other ParksEight (8) inches
- 4. Pike, white perch and yellow perch .. No minimum size
- 5. all other species of fishEight (8) inches

PART II

MINIMUM LENGTH OF GAME FISH THAT MAY BE RETAINED

Section 9 (b)

- 1. Atlantic salmonThree (3) pounds

National Parks Act—continued

Schedule "C"

DAILY BAG LIMITS

Section 10

<i>Species</i>	<i>Park</i>	<i>Bag Limit Per Person</i>
1. Atlantic salmon	All Parks	One (1)
2. Lake trout	Riding Mountain Park	One (1)
	All other parks	Five (5)
3. Largemouth black bass ...	All Parks	Six (6)
4. Pike	All Parks	Five (5)
5. Yellow walleye	All Parks	Ten (10)
6. Yellow perch and white perch	All Parks	No bag limit
7. All species in the three Vermilion Lakes and con- necting streams and beaver ponds, Banff Park		Three (3)
8. All species in		
(a) Cameron Lake, Crandell Lake and Linnet Lake, Waterton Lakes Park;	} Five (5) in aggregate	
(b) First and Second Trefoil Lakes, Edith Lake and Lac Beauvert, Mildred Lake, Buck Lake, Patricia Lake, Pyramid Lake and connected waters, Jasper Park;		
(c) Sink Lake, Schaffer Lake and Yoho (Summit) Lake, Yoho Park;		
(d) Olive Lake, Kootenay Park;		
(e) Rolling's Pond, Prince Edward Island Park;		
(f) Presqu'île Lake and Rigwash Lake, Cape Breton Highlands Park.		
9. Other species	All Parks	Ten (10), subject to limit set out in Item 7 of this Schedule.
10. All species in aggregate ...	All Parks	Ten (10) not includ- ing yellow perch and white perch but subject to limits set out in Items 1 to 7 of this Schedule, inclusive.

National Parks Act—continued**3. National Parks Theatre and Motion Picture Regulations**

P.C. 1954-603

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 22nd day of April, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the National Parks Act, is pleased to order as follows:

1. The Regulations governing Theatres and the Exhibition of Motion Pictures in the National Parks of Canada, established by Order in Council P.C. 5267 of 23rd December, 1947, are hereby revoked; and

2. The annexed "National Parks Theatre and Motion Picture Regulations" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING THEATRES AND THE EXHIBITION OF MOTION
PICTURES IN THE NATIONAL PARKS OF CANADA

1. These regulations may be cited as the *National Parks Theatre and Motion Picture Regulations*.

Interpretation

2. In these regulations,

- (a) "exhibitor" means the owner or operator of a theatre in which motion pictures are shown or any person exhibiting motion pictures for demonstration purposes in any hall or place other than a theatre;
- (b) "motion picture projector" means any type of machine adaptable for the projection of motion pictures;
- (c) "Park" means a National Park;
- (d) "projectionist" means a person who operates a motion picture projector, cinematograph or other similar apparatus;
- (e) "safety film" means film that contains not more than thirty-six one hundredths of one per centum of nitrogen and that, when tested in accordance with the definitions and analytical procedures prescribed by the Canadian Standards Association in its standard safety film, is shown to be both difficult to ignite and slow burning;
- (f) "Superintendent" means the Superintendent of a Park and includes any person authorized to act for or in the name of the Superintendent;
- (g) "theatre" means a building or hall or any premises, room or place to which the public is admitted and which is used for giving vaudeville, dramatic or operatic performances, or for exhibitions of motion pictures.

National Parks Act—continued

Licences

3. No licence shall be issued for the operation of any theatre unless the theatre complies in all particulars with the provisions of the National Parks Regulations respecting buildings and electrical installations.

4. (1) The Superintendent may issue a licence for the showing of motion pictures in any building other than a theatre when he is satisfied that the conditions in that building are satisfactory and safe for such purpose.

(2) Where a charge is made for viewing motion pictures in such building, the regular licence fees for theatres are payable.

5. The Superintendent may issue a permit for the exhibition of motion pictures for demonstration purposes which are commercial, instructional or educational, in a building not licensed as a theatre when,

- (a) in the opinion of the Superintendent the building or room wherein the exhibition is to be held is satisfactory in all respects;
- (b) in the opinion of the Superintendent the applicant is a responsible person;
- (c) only safety film will be used;
- (d) the machine will be operated by a person licensed to operate the class of equipment to which the machine belongs;
- (e) an admission charge will not be made;
- (f) the film has been approved by the Board of Censors for the province;
- (g) a fee of \$1.00 is paid for such permit.

6. No person shall exhibit a film which has not been approved by the Board of Censors for the province in which the Park is situate.

7. No person shall operate or use a motion picture projector, cinematograph or other similar apparatus for public entertainment unless—

- (a) he holds a valid licence as a projectionist issued under the laws of a province of Canada; and
- (b) he has obtained from the Superintendent a licence to operate such moving picture projector, cinematograph or other similar apparatus for such purpose.

8. These regulations do not apply to schools or institutions of learning where motion pictures are exhibited for instruction in classes attended only by students and pupils but in all such cases the board of trustees, principal, or other person or persons in authority shall first satisfy the Superintendent that,

- (a) the room in which the film is to be shown is properly equipped and satisfactory in all respects for such exhibition;
- (b) the projectionist is qualified to operate the motion picture projector, cinematograph or other similar apparatus;
- (c) safety film only will be used; and
- (d) the film has been approved by the Board of Censors for the province in which the Park is situate.

National Parks Act—continued*Projection Room*

9. The projection room in any theatre shall be not less than fifteen feet in length and not less than ten feet in width and eight feet from floor to ceiling.

10. (1) The enclosing wall of the projection room shall be of burnt clay tile, brick, concrete or other suitable fire-resistant material.

(2) The floor shall be surfaced with concrete not less than two inches thick.

(3) The ceiling shall as far as possible be constructed of fire-resistant materials.

11. (1) There shall be provided contiguous to and of the same type of construction as the projection room, a room for the rewinding and revising of films, and such room shall be not less than twenty-four square feet in area and eight feet high inside measurement and equipped with emergency exits.

(2) A wired glass window measuring at least two feet in width and at least eighteen inches in height shall be fitted within the wall separating the re-wind room from the projection room and such window shall be placed so as to provide a clear view of the projects to a person standing within the re-wind room.

12. All doors serving the projection and re-wind rooms shall be fire-doors, opening outwards and shall be equipped with check springs and shall not be fastened during a performance.

13. (1) All observation or port-hole openings shall be protected with automatic self-closing shutters of not less than one-eighth inch steel.

(2) The shutters shall be controlled with fusible links melting at a temperature of 160°F. and shall be installed in such manner that one or all can be lowered at will.

(3) A master release cord controlling the release of all port-hole shutters shall also be provided and such master release cord shall be situated immediately adjacent to the entrance of the re-wind room.

14. (1) The projection room shall be provided with an overhead ventilator at least eighteen inches in diameter connected with a chimney or leading directly to the open air, and at least one fresh air inlet at or near the floor line to supply continual fresh air to the projection room.

(2) The re-wind room shall be provided with a ceiling and a floor ventilator, both leading to the open air and each having a minimum area of one hundred and twenty square inches.

15. The type of equipment installed for the projection of motion pictures and the reproduction of sound with pictures, or for furnishing sources of illumination, or current to operate such equipment, shall be approved by and installed to the satisfaction of the Superintendent.

16. Fire-extinguishing equipment satisfactory to the Superintendent shall be provided in all projection rooms, and such equipment shall be at all times kept in good working order.

National Parks Act—continued

17. Toilet conveniences including a lavatory bowl and wash basin with running water shall be provided adjacent to every projection room.

18. Where battery or generator rooms are provided they shall be of such size as may be determined by the Superintendent and shall be ventilated to the open air.

19. All emergency exit doors in every theatre shall be opened and tested daily.

Rest Rooms

20. In every theatre there shall be separate retiring rooms provided, one for male patrons and one for female patrons; such rooms shall be provided with toilets and wash-basins with running water, and be ventilated to the open air.

21. The Superintendent may at any time inspect any theatre or any apparatus used therein and may suspend any licence issued where there is any breach of the regulations, or where in the opinion of the Superintendent the condition of the building is unsatisfactory.

Projectionists

22. No exhibitor shall employ an unlicensed projectionist.

23. (1) A licence to act as a projectionist shall be granted only to a person who has qualified for the same.

(2) The Superintendent may accept a certificate of proficiency issued to any person by a province.

24. (1) In any theatre where the seating capacity is less than 500, one licensed projectionist shall be employed.

(2) In any theatre where the seating capacity is 500 or more, or where more than one projector is used, one projectionist and one assistant projectionist shall be employed.

25. A projectionist shall not—

- (a) smoke or permit smoking in the projection room at any time;
- (b) read or have reading material other than licences and regulations in the projection room;
- (c) permit an unlicensed person other than the manager, a police official, or the Superintendent to enter or remain in the projection room during a performance, or while an audience is in the building;
- (d) permit film to remain exposed in the projection room at any time;
- (e) rewind films or allow films to be rewound in the room housing the motion picture projectors;
- (f) permit over-fusing or make improper electrical connections;
- (g) lend his projectionist licence to any person;
- (h) fail to produce, on demand by the Superintendent, his projectionist licence where motion picture apparatus is being used;
- (i) fail to test apparatus and connections prior to each performance;
- (j) fail to inspect and repair all films as received prior to exhibiting;

National Parks Act—continued

- (k) operate or permit to be operated defective projection or sound equipment;
- (l) maintain a dirty projection room;
- (m) latch doors on inside, remove handle from outside of doors, or otherwise delay access of authorized persons;
- (n) fail to report promptly to the Superintendent the occurrence of any film fire, and the apparent cause thereof;
- (o) display films which have not been approved by the Board of Censors of Motion Pictures of the province in which the films are being shown;
- (p) use defective or overloaded reels;
- (q) permit port-hole drops to be in a defective condition;
- (r) fail to test the working of all port-hole drops daily;
- (s) fail to have fire extinguishers in good working order.

26. No projectionist shall operate, or cause or permit to be operated, a motion picture projector or sound equipment device which is not installed in accordance with these regulations.

27. Every projectionist shall examine his projector and sound equipment daily, and shall devote his whole attention to and remain at the projector while it is in operation.

28. No projectionist shall operate a motion picture projector while under the influence of liquor or any drug.

29. No exhibitor shall permit a projectionist to operate a motion picture projector, cinematograph or other similar apparatus while the projectionist is under the influence of liquor or any drug.

General

30. No person shall permit any film to travel through a projector, cinematograph or other similar apparatus at a greater speed than one hundred feet to the minute.

31. (1) Films shall be re-wound or revised only in the re-wind room constructed for that purpose, and films shall not be exposed at any time except when being transferred to or from the projection machine or being re-wound or revised.

(2) All spare reels of films shall be kept in a fire-resistant container which shall have separate individual compartments, the lid of which shall be self-closing.

(3) All extra films such as leaders, trailers or announcements shall be kept in fire-resistant containers.

32. (1) No person under fourteen years of age not accompanied by a person eighteen years or more of age shall attend or be permitted to attend an exhibition of moving pictures in a theatre,

- (a) after the hour of 8 p.m. on any day;

National Parks Act—continued

(b) during the public school term in the municipality in which the theatre is situated except,

(i) during school holidays between the hours of 9 a.m. and 8 p.m., and

(ii) during any other day of the school term between the hours of 4 p.m. and 8 p.m.

(2) Where an exhibition of motion pictures is given in a theatre and persons under fourteen years of age not accompanied by persons eighteen years or more of age are permitted to attend, a matron shall be on duty in the theatre.

(3) Every matron shall be eighteen years or more of age and dressed in a uniform of a type and style approved by the Superintendent.

33. At each theatre the National Anthem shall be played at the conclusion of each performance.

4. National Parks Garbage Regulations

P.C. 1954-779

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 27th day of May, 1954

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the National Parks Act, is pleased to order as follows:

1. The Regulations governing the removal of garbage in Townsites and Subdivisions in the National Parks of Canada, established by Order in Council P.C. 5885 of 22nd November 1949, are hereby revoked; and

2. The annexed "Regulations governing the removal of garbage in the National Parks of Canada" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING THE REMOVAL OF GARBAGE
IN THE NATIONAL PARKS OF CANADA

1. These regulations may be cited as the *National Parks Garbage Regulations*.

Interpretation

2. In these regulations,

(a) "garbage" means kitchen and household refuse, stove and furnace ashes, and other waste matter, but not scrap iron, used tires, brush, stumps, stone, earth or trade waste;

National Parks Act—continued

- (b) "householder" means any owner, occupant, lessee or tenant or any person in charge of any dwelling, hotel, restaurant, store, apartment house, office building, public institution, bungalow camp or other building;
- (c) "Park" means any National Park;
- (d) "season" means the period in any year during which garbage is collected in those Parks where collection is not made throughout the year.
- (e) "Superintendent" means the Superintendent of a Park and includes any person authorized to act for or in the name of the Superintendent;
- (f) "trade waste" means material from cellars or other excavations, materials from building construction, repairs, alteration or maintenance, stable manure, dead animals, used motor oil, gasoline and obsolete parts of motor and other vehicles; and
- (g) "year" means the period commencing 1st day of April in any year to 31st day of March of the year immediately following.

3. The Superintendent may provide for the collection of garbage in such portion of a Park as he deems advisable.

4. (1) Where the Superintendent has provided for regular garbage collection, each householder and each person in charge of a restaurant, hotel, store or other premises where garbage accumulates, shall provide a sufficient number of galvanized iron containers in which all garbage shall be placed.

(2) Each container shall have a close fitting lid which shall be kept on the container at all times except when garbage is being deposited in or removed from the container.

(3) The maximum weight of each container with contents shall not exceed seventy-five pounds.

(4) Every householder shall thoroughly strain all table and kitchen waste, wrap it in paper and place it in a garbage container.

(5) Subsection (4) does not apply to householders operating hotels, restaurants or boarding houses.

5. (1) On the days specified by the Superintendent for the collection of garbage all garbage containers shall be placed at such points as the Superintendent directs in order to facilitate collection.

(2) In areas not served by lanes or alleys, garbage containers shall be kept at the rear of the premises except on the day of collection.

(3) No person shall leave a garbage container on a street, lane or in front of any premises for more than twelve hours after collection of garbage has been made.

(4) No person shall place or maintain a garbage container on a street or lane except as required by the Superintendent for the purpose of garbage collection.

6. No person shall burn garbage or refuse at any time except in furnaces, stoves or incinerators equipped with smoke stacks and approved by the Superintendent.

National Parks Act—continued

7. No scrap iron, stone, earth or building debris shall be deposited with garbage in a container for collection.

8. (1) Every person for whose premises a garbage collection service is provided throughout the year shall pay for the collection of garbage in each year the charge prescribed in the Schedule hereto applicable to the premises of such person.

(2) Every person for whose premises a garbage collection service is provided for the season only shall pay for the collection of garbage in each season the charge prescribed in the Schedule hereto applicable to the premises of such person.

9. (1) When garbage is collected throughout the year, the charge shall be paid in two instalments semi-annually in advance on or before the first day of April and October.

(2) When garbage is collected during a season only, the charge shall be paid on or before the first day of July in each year.

(3) Where two or more businesses listed in the Schedule hereto are carried on in the same building, each business shall for the purpose of fixing the fee for the collection of garbage be considered a separate business.

Schedule of Rates for Collection of Garbage

<i>Class of Establishment</i>	<i>Charge where collection is made throughout year.</i>	<i>Charge where collection is made in season only.</i>
1. Apartment		
(1) with kitchen or dining room, per suite.....	\$ 7.50	\$ 4.00
(2) without kitchen, per suite.....	4.00	2.00
2. Auto bungalow camp—single cabin or unit or multiple cabin		
(1) with facilities for cooking.....	5.00	2.50
(2) without facilities for cooling.....	3.00	1.50
3. Bakery.....	20.00	10.00
4. Bank.....	20.00	10.00
5. Barber shop and hairdresser.....	20.00	10.00
6. Beer parlour		
(1) serving lunches.....	40.00	20.00
(2) no lunches served.....	25.00	12.50
7. Bicycle repair shop.....	15.00	8.00
8. Billiard or pool hall.....	20.00	10.00
9. Boarding house or rooming house		
(1) ten bedrooms or more		
(a) with dining rooms, cafeterias, etc.....	50.00	25.00
(b) rooms only.....	30.00	15.00
(2) less than ten bedrooms		
(a) with dining rooms, cafeterias, etc.....	35.00	18.00
(b) rooms only.....	20.00	10.00
10. Bookstore.....	15.00	8.00
11. Bowling alley.....	20.00	10.00
12. Business office.....	6.00	3.00
13. Butcher shop.....	27.50	14.00
14. Cabin or tent-house.....		3.25
15. China shop.....	25.00	13.00
16. Church		
(1) with assembly hall.....	10.00	6.00
(2) without assembly hall.....	5.00	3.00
17. Clothing store.....	30.00	15.00
18. Dairy.....	25.00	13.00
19. Dance hall.....	30.00	15.00
20. Delicatessen.....	25.00	13.00
21. Drug Store.....	20.00	10.00
22. Dry cleaner or laundry.....	20.00	10.00

National Parks Act—continued

Schedule of Rates for Collection of Garbage

<i>Class of Establishment</i>	<i>Charge where collection is made through- out year.</i>	<i>Charge where collection is made in season only.</i>
23. Dwelling house		
(1) single.....	\$ 11.00	\$ 7.50
(2) duplex.....	18.00	9.00
24. Garage or service station or auto body repair shop...	30.00	15.00
25. Grocery store.....	32.00	16.00
26. Hall—rented for public meetings or gatherings.....	25.00	13.00
27. Hardware store.....	20.00	10.00
28. Hospitals		
(1) twenty-five beds or less.....	25.00	13.00
(2) more than twenty-five beds.....	50.00	25.00
29. Hotels		
(1) fifty-one bedrooms or more		
(a) with dining rooms, cafeterias, etc.....	125.00	65.00
(b) rooms only.....	75.00	40.00
(2) twenty-five bedrooms but not more than fifty		
(a) with dining rooms, cafeterias, etc.....	88.00	45.00
(b) rooms only.....	52.00	27.00
(3) less than twenty-five bedrooms but not less than ten		
(a) with dining rooms, cafeterias, etc.....	75.00	38.00
(b) rooms only.....	40.00	20.00
(4) less than ten bedrooms		
(a) with dining rooms, cafeterias, etc.....	50.00	25.00
(b) rooms only.....	27.00	15.00
30. Jeweller.....	20.00	10.00
31. Liquor vendor.....	40.00	20.00
32. Lodge hall.....	15.00	8.00
33. Lunch counter or milk bar.....	20.00	12.00
34. Motel		
(1) with facilities for cooking, per unit.....	5.00	2.50
(2) without facilities for cooking, per unit.....	3.00	1.50
35. Novelty or souvenir store.....	25.00	13.00
36. Photographic store.....	15.00	8.00
37. Printing and publishing establishment.....	20.00	10.00
38. Radio sales and service.....	15.00	8.00
39. Restaurants		
(1) seating capacity less than twenty-five persons.	40.00	20.00
(2) seating capacity twenty-five persons but not more than fifty.....	50.00	25.00
(3) seating capacity fifty-one persons but not more than seventy-five.....	60.00	30.00
(4) seating capacity more than seventy-five per- sons.....	80.00	40.00
40. Schools, colleges or universities,		
(1) where board is furnished to		
(a) less than twenty-five students.....	50.00	25.00
(b) twenty-five students and not more than fifty.....	75.00	38.00
(c) more than fifty students.....	125.00	65.00
(2) where board is not furnished to		
(a) less than twenty-five students.....	20.00	10.00
(b) twenty-five students and not more than fifty.....	30.00	15.00
(c) more than fifty students.....	40.00	20.00
41. Shoe repair shop.....	15.00	8.00
42. Shoe store.....	15.00	8.00
43. Sporting goods store.....	15.00	8.00
44. Theatre.....	20.00	10.00
45. Tobacconist.....	15.00	8.00
46. Other business not herein listed.....	20.00	10.00

National Parks Act—continued

5. National Parks Ice Removal Regulations

P.C. 1954-1118

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 22nd day of July, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Northern Affairs and National Resources and pursuant to the National Parks Act, is pleased to order as follows:

1. The Regulations governing the removal of ice from waters within the National Parks of Canada, established by Order in Council P.C. 5170 of 16th December, 1947, are hereby revoked; and

2. The annexed "Regulations governing the removal of ice from waters within the National Parks of Canada" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING THE REMOVAL OF ICE FROM WATERS WITHIN THE
NATIONAL PARKS OF CANADA

1. These regulations may be cited as the *National Parks Ice Removal Regulations*.

2. In these regulations,

(a) "Park" means any National Park; and

(b) "Superintendent" means the superintendent of a park and includes any person authorized to act for or in the name of the Superintendent.

3. No person shall cut and remove any ice from waters within a park unless he has obtained a permit from the Superintendent.

4. Permits authorizing the cutting and removal of ice may be issued to

(a) any person for his own use within the park, and

(b) any person where such ice is intended for sale within the park.

5. The Superintendent in his discretion may issue permits to cut and remove ice from such waters and during such periods in each year as he may designate.

6. Each application for a permit shall be made in writing to the Superintendent and shall indicate

(a) the area from which the applicant proposes to remove ice, and

(b) the quality of ice he proposes to remove.

7. Each permittee who cuts ice for sale shall furnish the Superintendent on or before the 31st day of March with a return of the quantity of ice cut and removed by him under his permit.

8. The fees to be charged for permits to cut and remove ice are as follows:

(a) Permit authorizing a person to cut ice for personal use\$ 2.00

(b) Permit authorizing the cutting of ice for sale\$10.00

National Parks Act—continued

9. All permits expire on the 31st day of March following the date of issue.

10. Each permittee shall take such precautions and post such notices as may be prescribed by the Superintendent to ensure the safety of the public.

6. National Parks Game Regulations

P.C. 1954-1431

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 22nd day of September, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the National Parks Act, is pleased to order as follows:

1. The Regulations respecting game in the National Parks of Canada other than Wood Buffalo Park, established by Order in Council P.C. 1954-1215 of 18th August, 1954, are hereby revoked; and

2. The annexed "Regulations respecting Game in the National Parks of Canada other than Wood Buffalo Park" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING GAME IN THE NATIONAL PARKS
OF CANADA OTHER THAN WOOD BUFFALO PARK

1. These regulations may be cited as the *National Parks Game Regulations*.

Interpretation

2. In these regulations,

- (a) "Director" means the Director of the National Parks Branch of the Department of Northern Affairs and National Resources;
- (b) "game" means all wild mammals, amphibians, reptiles and wild birds within any Park, and the heads, skins and any or every part of such mammals, amphibians, reptiles and wild birds;
- (c) "Minister" means the Minister of Northern Affairs and National Resources;
- (d) "Park" means any National Park;
- (e) "Park officer" means a person to whom the duty of assisting in the enforcement of these regulations has been assigned by the Superintendent;
- (f) "Park Warden" means any official appointed under the provisions of the Civil Service Act, whose duties include the enforcement of regulations for the protection of forests and game;
- (g) "Superintendent" means the Superintendent of a Park and includes any person authorized to act for or in the name of the Superintendent; and

National Parks Act—continued

- (h) "resident" means a person who resides in a Park for more than thirty days in a calendar year.

General Provisions

3. These regulations apply to all National Parks except Wood Buffalo National Park.

4. Except as otherwise provided in these regulations,

- (a) no person shall at any time molest, chase, harass or pursue, hunt, shoot at, trap, take, wound, kill, capture or destroy any game within a Park;
- (b) no person shall have in his possession, or in the possession of his servant or agent, or any other person on his behalf, any game killed or procured within a Park;
- (c) no person shall have in his possession within a Park any game no matter when or where procured, during a closed season for that game, established by the Province in which the game was captured or killed, or a closed season for that game, established under the Migratory Birds Convention Act;
- (d) no person shall in a Park handle, disturb, destroy, or remove from a nest any wild bird, or egg, or have the same in his possession;
- (e) no person shall wilfully disturb or destroy any wild bird or the nest of any wild bird in a Park; and
- (f) no person shall touch or feed bears or entice them to approach by setting out sweets or other foodstuffs.

5. (1) Every person holding a permit in writing from the Superintendent, for which a fee of \$7.00 is payable, may, between one-half hour before sunrise and one-half hour after sunset on each Wednesday, Thursday, Friday and Saturday of the open season for wild duck, prescribed for that part of Ontario by the Regulations under the Migratory Birds Convention Act, shoot wild duck in that portion of Point Pelee National Park, described in the Schedule hereto.

(2) No permit shall be issued by the Superintendent of Point Pelee National Park to any person other than a Canadian citizen who holds a licence to hunt game birds issued under authority of the Game and Fisheries Act of Ontario.

6. No person within a Park shall have in his possession the head, horns, antlers or any part of game unless he furnishes evidence satisfactory to the Superintendent that

- (a) such trophies were lawfully obtained, or
- (b) were in his possession prior to the first day of December, 1919.

7. (1) The Director may authorize

- (a) a Park warden or other person to take or kill game within a Park for scientific or propagation purposes;
- (b) a Park Superintendent to take or destroy any game when such action is considered advisable for game management purposes; and
- (c) the sale or other disposal of the products resulting from such game taken or destroyed.

National Parks Act—continued

(2) The Director may authorize the destruction of any dangerous game damaging property but in an emergency the Superintendent may authorize a Park warden to destroy dangerous game.

(3) Where a Park warden has destroyed dangerous game, the Superintendent shall submit promptly to the Director a full report of the circumstances leading to the destruction of such game.

(4) The Superintendent may grant permission to any person to keep unsealed firearms on his premises provided statements satisfactory to the Superintendent are furnished to show that danger may be expected to life or property from dangerous game, and in an emergency, such person may shoot to kill any such dangerous game.

(5) The Director may authorize the Superintendent to destroy any aged or diseased game in a Park for the purpose of saving the heads and hides or for purposes of game management.

Cats and Dogs

8. (1) No person shall keep a cat, domestic or otherwise in any Park unless he has secured a licence therefor from the Superintendent.

(2) The Superintendent upon application shall

(a) furnish each resident who owns a cat with a licence to keep such cat in a Park upon payment of a fee of \$3.00; and

(b) furnish each person who is not a resident and who owns a cat with a licence to keep such cat in a Park upon payment of a fee of \$1.00.

9. (1) No person shall keep a dog or bitch in any Park unless he has secured a licence therefor from the Superintendent.

(2) The Superintendent upon application shall

(a) furnish each resident who owns a dog or bitch with a licence to keep such dog or bitch in a Park upon payment of a fee of \$3.00 in the case of a dog or bitch which has been spayed, and \$5.00 in the case of other bitches; and

(b) furnish each person who is not a resident and who owns a dog or bitch with a licence to keep such dog or bitch in a Park upon payment of a fee of \$1.00 in the case of a dog or bitch which has been spayed.

10. (1) A licence issued under section 8 or 9

(a) to a resident shall expire on the thirty-first day of March next following the date of issue; and

(b) to a person who is not a resident shall expire thirty days from the date of issue.

(2) Any licence issued under section 8 or 9 to a person who is not a resident shall be valid in all Parks during the period of thirty days for which it was issued.

11. (1) Upon the issue of a licence to keep a cat, dog or bitch within a Park the Superintendent shall supply the owner with a metal tag.

(2) Every owner of a dog or cat for which a metal tag is issued will fasten such tag to the dog or cat by means of a collar or otherwise.

National Parks Act—continued

(3) A Park warden or other Park officer or a police officer may destroy on sight any cat found without a metal tag.

(4) A Park warden or other Park officer or a police officer shall impound any dog or bitch found without such metal tag.

12. (1) Any dog or bitch impounded under section 11 shall be released only upon payment of a pound fee equal to twice the licence fee therefor and costs.

(2) If the owner of a dog or bitch fails to pay within forty-eight hours any pound fee imposed under these regulations, or fails to claim his dog or bitch within seventy-two hours after the same has been impounded, the Superintendent may order the destruction of such animal.

13. No person who is the owner of a dog or bitch shall permit such dog or bitch to run unleashed in a Park.

14. (1) When, in the opinion of the Superintendent, any dog or bitch becomes a nuisance in a Park, of which the Superintendent shall be the sole judge, the Superintendent may cancel the licence issued for such dog or bitch and upon the cancellations of such licence the owner shall arrange for the immediate destruction of such dog or bitch, or its removal from the Park.

(2) Any dog or bitch impounded a second time may be destroyed by order of the Superintendent.

(3) Any dog or bitch found chasing or molesting game may be destroyed on sight by a Park warden or other Park officer or by a police officer.

(4) Where any Park warden or other Park officer or police officer is unable to seize or impound any dog or bitch that is running at large contrary to these regulations, he may destroy such dog or bitch.

(5) The owner of any dog or bitch destroyed pursuant to these regulations shall have no claim for compensation.

15. (1) No licence shall be issued for any bitch unless such bitch has been spayed or was licenced in a Park before May 14, 1948.

(2) Subject to section 9 the Superintendent may authorize any Park warden to keep within a Park any dog suitable for tracking or trailing poachers or other violators of Parks regulations or for hunting coyotes, wolves or other predatory animals.

16. No person shall bring into Mount Revelstoke, Glacier, Kootenay, Yoho, Banff, Jasper, Waterton Lakes, Elk Island, Prince Albert or Riding Mountain National Parks any cat, dog or bitch, unless the owner of the cat, dog or bitch produces to the Superintendent a certificate that such cat, dog or bitch has been vaccinated against rabies within the six months immediately preceding the date of entering the Park.

Firearms

17. (1) Except as otherwise provided in these regulations no person residing in, or visiting or travelling through any Park except a Park warden, shall have in his possession or carry any rifle, shotgun, airgun, or other gun or firearm or any device for trapping, capturing or destroying game, unless the same shall have been sealed by the Superintendent, a

Park warden, or other Park officer duly authorized by the Superintendent, and such seal shall not be broken within a Park by any person except the Superintendent, a Park warden, or other Park officer.

(2) This section shall not apply to a person holding a permit referred to in section 5 while residing in, or visiting, or travelling through the area of Point Pelee described in the Schedule hereto during such time as the shooting of wild duck is permitted in that area.

18. (1) The head guide in charge of a group of persons shall ensure that all rifles, guns or other firearms in the possession of such persons when in a Park are sealed.

(2) In the absence of a guide a person having a rifle, gun or other firearm in his possession in a Park shall have such rifle, gun or other firearm sealed by a Park warden, except when otherwise authorized by the Superintendent.

19. Any person proceeding through a Park or portion thereof, with firearms, to shoot or hunt in an area outside of such Park shall show, when requested to do so by any Park officer, the necessary hunting licence issued by the authority governing such area.

20. No person shall have in his possession in a Park any poison, poisonous substance or gas for taking, injuring or destroying game in a Park.

21. No person shall obstruct, hinder or in any way interfere with or wilfully furnish false information to any Park warden or Park officer in the discharge of his duties.

SCHEDULE

All that parcel or tract of land in Point Pelee National Park in the Province of Ontario which may be more particularly described as follows:

Beginning at a point on the north boundary of the said Park distant 5,280 feet easterly from the point where the said northerly boundary intersects the easterly limit of the main road which enters the Park along the westerly side of the Park; thence easterly along the north boundary of said Park to the easterly boundary of the said Park; thence southerly following the easterly boundary of the said Park to its intersection with the northerly limit of the road running east and west between Lots 4 and 5 as shown on the plan of the Squatters' Holdings on the Naval Reserve at Point Pelee in the Township of Mersea, County of Essex, Ontario, as surveyed by G. McPhillips, D.L.S., dated at Windsor, Ontario, July 30, 1889, and approved and confirmed by E. Deville, Surveyor General, on the 6th November, 1889; thence westerly following the north boundary of said road to its intersection with the easterly boundary of said Lot 5; thence northerly following the easterly limits of Lots 5, 7 and 8 to the intersection of the easterly limit of Lot 8 with the southerly limit of Lot 11; thence easterly following the southerly limit of Lot 11 to the southeast corner of said Lot 11; thence northerly following the easterly boundary of Lots 11, 12, 13, 14, 15, 17 and 18 to the northeast corner of said Lot 18; thence westerly following the northerly boundary of the said Lot 18 to the northwest corner of said Lot 18, all said lots being as shown on said plan of the Squatters' Holdings on the Naval Reserve at Point Pelee; thence northerly in a straight line to point of commencement.

National Parks Act—continued

7. National Parks Forest Protection Regulations

P.C. 1954-1633

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 28th day of October, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the National Parks Act, is pleased to order as follows:

1. The Regulations respecting forest protection in the National Parks of Canada, established by Order in Council P.C. 1953-448 of 26th March, 1953, are hereby revoked; and

2. The annexed "Regulations respecting forest protection in the National Parks of Canada" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING FOREST PROTECTION IN THE NATIONAL PARKS OF CANADA

1. These regulations may be cited as the *National Parks Forest Protection Regulations*.

Interpretation

2. In these regulations,

- (a) "Department" means Department of Northern Affairs and National Resources;
- (b) "Director" means the Director of the National Parks Branch of the Department;
- (c) "highway" means any highway, road, street, lane, alley, trail, bridge or trestle within a Park designed and intended or used for the passage of vehicles;
- (d) "Park" means a National Park;
- (e) "Park Warden" means any official appointed under the provisions of the Civil Service Act whose duties include the enforcement of regulations for the protection of the forests and game; and
- (f) "Superintendent" means the Superintendent of a Park and includes any person authorized to act for, or in the name of, the Superintendent.

Suppression of Fires

3. (1) Subject to subsection (2), the Superintendent or a Park Warden may order any male person between the ages of sixteen and sixty years to proceed at once to the scene of a forest fire and assist in extinguishing it.

(2) The following persons are not required to assist in extinguishing fires:

- (a) any person engaged in the active working of a railway, air or bus transportation system, including station agents, conductors, engineers, firemen, trainmen, brakemen, telegraphers, pilots and bus drivers;

National Parks Act—continued

- (b) any physician, surgeon, dental surgeon or veterinary surgeon qualified to practise; and
- (c) any telephone operator, clergyman, or person physically unfit.

4. (1) Park employees shall receive as compensation for fighting fires the normal rate of wages established for that class of employee in the Park in which the fire occurs, together with board or a reasonable allowance therefor.

(2) Such payment of wages shall be made on the basis of a working day of ten hours.

(3) No Park employee shall receive any remuneration for fighting fires other than his remuneration as an employee, together with such overtime as may be provided for in the Prevailing Rate Employees General Regulations or the Civil Service Regulations.

(4) Casual fire fighters shall receive as compensation for fighting fires the rate of wages prevailing at the time for this type of labour in the province in which the Park is situated.

5. (1) Any person who is within a Park and observes a forest fire in such Park shall forthwith use his best endeavours to extinguish it or, if such fire is beyond his control, report it forthwith to the nearest Park employee.

(2) Any person travelling in a Park except on an established highway shall, when requested by the Superintendent or a Park Warden, answer any inquiries and supply information as to his name, address, routes to be followed and proposed duration of his stay in the Park away from such established highways, location of any proposed campsite or campfires and any other information of a similar nature.

6. When in his opinion the fire hazard makes such action necessary the Superintendent may by order

- (a) prohibit smoking or the building of fires in any area within a Park; or
- (b) close any area of any Park for travel.

7. No person shall neglect or refuse to obey an order of the Superintendent or a Park Warden made under these regulations.

8. (1) No person shall start, maintain or renew any fire in the open in a Park within one mile of a highway, except in a camp-stove, fireplace or grill provided by the Department.

(2) No person shall camp overnight in the open in a Park within one mile of a highway except in a campground provided by the Department.

9. (1) No person shall start, maintain or renew any fire in the open in a Park more than one mile from a highway, except in a camp-stove, fireplace or grill provided by the Department, without first having obtained a permit therefor from the nearest Park Warden.

(2) Such permit shall be for a small fire for cooking purposes and shall be issued only when the Superintendent considers conditions warrant its issue.

(3) Fires shall not be kindled near trees, dead wood, moss, forest mould or other vegetable refuse.

National Parks Act—continued

(4) Fires shall be kindled where possible in some open space on rocks or earth.

(5) Where a camp is made in a locality where no open space exists, every person before lighting a fire shall clear away all brushwood, dry leaves and all other combustible material from a space having a radius of at least ten feet and in the centre of this space shall kindle the fire.

(6) Every person who lights or causes to be lit a fire shall exercise and observe every precaution to prevent such fire from spreading.

(7) When any fire which has been lit is no longer required the person holding a permit to light such fire and every member of his party shall ensure that it is completely extinguished.

10. (1) No person shall drop or throw down in a Park any burning match, lighted cigar, cigarette or other burning substance.

(2) No person shall use wax matches, such as wax vesta or the wax flamer type, in a Park.

11. (1) No person shall have on hand in a Park at any time a larger quantity than five gallons of gasoline or other inflammable liquid, unless he has obtained a permit therefor from the Superintendent.

(2) The Superintendent may issue a permit for the possession of more than five gallons of gasoline or other inflammable liquid subject to the following conditions:

- (a) the gasoline or liquid shall be stored in an iron tank and be fitted with a pump and galvanized iron pipe coupled at every joint with a pipe coupling;
- (b) the tank shall be provided with a filling pipe with a tight screw cap; and
- (c) any other conditions that may be prescribed by the Superintendent.

(3) Subsection (1) does not apply to gasoline or other fuel contained in a tank of a motor vehicle.

12. (1) No person shall have or keep any gunpowder, fireworks, dynamite or other explosive in a Park without a permit from the Superintendent.

(2) The Superintendent shall prescribe the conditions under which gunpowder, fireworks, dynamite or other explosive may be kept in a Park.

13. (1) Every person who operates a steam engine in a Park shall ensure that it is provided with adequate and efficient appliances to prevent the escape of fire and sparks.

(2) No railway company operating within a Park shall permit fire, live coals or ashes to be deposited on its tracks or right-of-way unless they are extinguished immediately thereafter, or deposited in pits provided for the purpose.

Touring or Work Parties

14. (1) Every person in charge of a touring party or work party shall provide himself with a copy of these regulations and shall ensure that each member of his party is acquainted with and complies with these regulations.

National Parks Act—continued

(2) Every person clearing a right-of-way for any highway, telephone, telegraph, power or pipe line, railway, tote-road, ditch or flume, shall dispose of all brush or other inflammable material cut or accumulated thereon by burning, or otherwise as directed by the Superintendent.

8. National Parks Natural Gas Regulations

P.C. 1954-1673

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 3rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources, and pursuant to the National Parks Act, is pleased to order as follows:

1. The Regulations governing the installation, control and management of natural gas in National Parks in Alberta, established by Order in Council P.C. 5863 of 2nd November, 1951, are hereby revoked; and
2. The annexed "Regulations governing the installation, control and management of natural gas in National Parks in Alberta" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING THE INSTALLATION, CONTROL AND MANAGEMENT OF NATURAL GAS IN THE NATIONAL PARKS IN ALBERTA*Short Title*

1. These regulations may be cited as the *National Parks Natural Gas Regulations*.

Interpretation

2. In these regulations,
 - (a) "appliance" means a fixture or apparatus which utilizes gas to produce light, heat or power, or any combination thereof;
 - (b) "gas company" means any corporation or person engaged in the sale or distribution of natural gas within a National Park in Alberta;
 - (c) "gas-fitter" means a person engaged in the business of gas-fitting;
 - (d) "gas-fitting" means the installing, removing, altering or repairing of all gas piping from the gas meter to the point of consumption of the gas, of appliances, and of any device which is attached to or forms a part of any gas piping or gas venting system, including electrical apparatus and wiring, where work on combination gas and electrical fixtures or appliances is involved;
 - (e) "gas inspector" means a person delegated by the Superintendent to perform the duties of a gas inspector;
 - (f) "medium pressure distribution system" means mains and services carrying gas at pressures in excess of one pound per square inch, but not over fifteen pounds per square inch;

National Parks Act—continued

- (g) "rough piping" means gas piping from the meter location to and including all line cocks; and
- (h) "Superintendent" means the Superintendent of a National Park and includes any person authorized to act for, or in the name of the Superintendent.

Licences

3. (1) No person shall engage in or work at the business of gas-fitting unless such person is fully qualified as a gas-fitter, has fulfilled all such requirements and obtained all such licences as may be required for the performance of such work from the Superintendent.

(2) No electrician or other workman shall engage in or work at the business of gas-fitting except under the supervision of a gas-fitter so licensed.

(3) Notwithstanding the provisions of subsections (1) and (2) members of the inspection department of the gas company may make adjustments, minor alterations or emergency repairs in the performance of their duties.

4. The Superintendent is authorized,

- (a) to approve the size of gas pipe which may be installed in bungalow camps, motels, and in any other residential or commercial building not specified in these regulations;
- (b) to order the removal of any gas pipe which has been installed in contravention of these regulations; and
- (c) to determine the size of pipe which shall be used in all cases not within those specified in section 7.

Permits

5. (1) Before commencing any gas fitting an application for a permit for all work it is proposed to undertake shall be made in writing to the Superintendent and such application shall be accompanied by a plan of the piping system if such is considered necessary by the Superintendent.

(2) Subsection (1) does not apply to a member of the inspection department of a gas company.

(3) No permit shall be issued by the Superintendent until

- (a) the required fees for inspection have been paid, and
- (b) plans and specifications setting forth in detail the number and kinds of appliances which, as required by these regulations it is proposed to install, have been approved by him.

(4) In all new heating installations including gravity or forced warm air furnaces, cast iron or steel hot water and steam boilers, a brass rating plate shall be attached to the front of the heating unit stating the manufacturer's name or trade name.

(5) In the case of warm air furnaces, the British Thermal Unit input per hour shall be stated.

(6) In the case of hot water or steam boilers, the capacity of such units shall be stated in square feet of equivalent direct radiation net.

National Parks Act—continued

6. The fees payable for permits are as follows:

(a) New installations—residence, store	
Minimum—(not over four outlets)	\$2.00
Each additional unit .....	.50
(b) New installations—cabins	
Single unit	1.00
Multiple unit, each	1.00
(c) New installations—apartment houses, blocks and motels	
First suite	1.00
Each additional suite .....	.50
(d) Central heating plants, blocks, apartments, business houses, motels	
.....	3.50
(e) Hotels	
Ten rooms or less	5.00
More than ten rooms	10.00
(f) Miscellaneous	
Ranges, radiant heaters, water heaters, circulating heaters, domestic heaters, each .....	.25

Gas Piping

7. In all systems of gas piping, and all repairs, changes or additions to piping, the minimum internal sizes of pipes shall be as follows:

(a) Interior piping from meter to appliances:

- (i) From the gas meter to the point at which a furnace drop is or may be placed, the size shall be not less than one and one-quarter inches, which is adequate in size for dwellings with a total floor area not more than 1,400 square feet.
- (ii) For larger dwellings, commercial blocks, bungalow camps, motels, the size shall be determined by the Superintendent.

(b) Drop to central heating unit

- (i) For dwellings where the total floor area is not more than 1,400 square feet 1 inch pipe.
- (ii) For dwellings where the total floor area is more than 1,400 square feet or for commercial use the drop to any central heating unit shall be determined by the Superintendent.

(c) Branch lines

- (i) To domestic ranges and water heater if length of branch is not over sixty feet $\frac{3}{4}$ inch pipe.
- (ii) To a forty-five gallon or smaller water heater if length of branch is not over fifty feet $\frac{1}{2}$ inch pipe.
- (iii) To light housekeeping rooms if length of branch is not over thirty feet $\frac{1}{2}$ inch pipe.
- (iv) To a living room or bedroom heater not over fifty feet $\frac{1}{2}$ inch pipe.
- (v) To gas lights not over thirty feet $\frac{3}{8}$ inch pipe.
- (vi) To residence garages or cabins necessitating piping outside the main house, the underground piping shall not be less than $\frac{3}{4}$ inch pipe.

8. Two copies of plans of multiple cabin piping layouts shall be submitted to the Superintendent for his approval.

National Parks Act—continued

9. (1) Gas lines to residence garages or cabins necessitating outside piping shall be connected on the outlet side of the gas meter with a valve immediately after the point of connection within the house, and such lines shall be carried underground at a minimum depth of fifteen inches.

(2) Pipe sizes for heating buildings or supplying gas appliances not provided for in section 7 shall be computed from the maximum hourly demand, and according to the best engineering practice.

(3) A trench for gas service line shall be laid at least six feet away from the trench of any other utility.

(4) No other utility trench shall subsequently be constructed closer than six feet to any existing gas service line trench without the prior approval of the gas company.

Service Entry and Meter Location

10. The location of a gas service pipe entry into any building and the location of the gas meter within the building shall be approved by the gas inspector.

Provision for Meters in Commercial and Industrial Establishments

11. (1) Before preparing plans for the construction of any commercial or industrial building, the architect, owner or contractor shall submit to the gas company for approval preliminary plans showing:

- (a) the proposed location of the gas company's service pipe from the gas main to the meter location, and
- (b) the proposed location of the metering equipment, valves, regulators and other appurtenances thereto.

(2) Metering equipment shall be located immediately at the point of entry of the gas service pipe into the building and, where the gas is supplied at a pressure greater than that normally considered to be medium pressure, a separate building or room shall be constructed.

12. (1) Where an extension is to be made to an existing gas pipe system and the existing main line in the building is too small or no convenient openings are available, the extensions shall, if so required by the Superintendent, be carried to a convenient location within two feet of the meter.

(2) No person other than an employee of the gas company shall disconnect either the inlet or the outlet of gas meters for any purpose.

(3) No person other than an employee of the gas company shall make any alterations, additions or changes in the mains or the service pipes from the gas main to the meter.

13. (1) All gas pipe and fittings shall be of good quality of wrought iron or mild steel, or of such other material as may be approved by the gas inspector.

(2) All pipe shall be internally reamed at ends where it enters a fitting or other connection.

(3) Split pipe or fittings shall be removed and no cement shall be used in any pipe or fittings for the purpose of repairing or concealing defects.

National Parks Act—continued

(4) Manifolds shall be made with tees and nipples or tapped with welded branches.

(5) Pipes shall not be painted or covered before inspection is made.

(6) Joint compounds (pipe dope) shall be applied sparingly and only to the male threads of the joints, such compounds shall be resistant to the action of low pressure gas air mixtures.

14. (1) Gas piping shall not be supported by other piping but shall be supported with pipe hooks, metal pipe straps, bands or hangers of pipe size, and at proper intervals so that piping cannot be disturbed from its installed position.

(2) The spacing of supports shall be not greater than the following:

$\frac{1}{2}$ inch pipe	6 feet
$\frac{3}{4}$ inch pipe	8 feet
$1\frac{1}{2}$ inch or larger pipe	{ Horizontal . 10 feet Vertical ... each floor level

15. (1) No pipe shall be run under any joist in such a manner as to render it inaccessible, and all pipe shall be hung from and not strapped to the joists.

(2) Standard unions shall not be used in gas piping, other than to connect appliances, when they shall be placed between the stop cock and the appliance.

(3) No bushings under two inch outside diameter may be used and all bushings used shall reduce at least two sizes.

(4) The nesting of bushings is prohibited.

(5) No gas pipe shall be run closer than three inches to any electric wire unless such wire is in conduit.

16. (1) No gas piping shall be laid in concrete.

(2) No gas piping shall be laid underground, unless the pipe is coated with a corrosion resisting material, in accordance with good engineering practice.

17. A tee fitting with the bottom outlet plugged or capped, instead of an ell fitting, shall be used at the bottom of any riser to catch dirt and other foreign matter.

18. (1) All fuel outlets shall be provided with a gas-cock, which shall be considered as part of the general house piping; it shall be located as close as is practical to the proposed location of the appliance, and in every case shall be easily accessible.

(2) All gas-cocks shall be of a ground plug type, made of a good quality of brass, shall be easy to operate and shall be test tight under ten pounds air pressure.

19. No person shall construct or erect, and no lessee of land shall cause or permit to be constructed or erected, any building, structure or edifice, over a gas line.

Inspection

20. (1) The gas inspector shall be notified by the owner or occupant when rough piping for gas is ready for inspection.

National Parks Act—continued

(2) Such notification shall include information that a ten-pound test has been applied and the system has been left under air pressure.

(3) The gas inspector may require other tests to be made.

(4) The gas piping in any building shall be tested air tight by the gas-fitter, under the direction of the gas inspector,

(a) when the roughing in is completed and before the floors are laid or walls plastered so as to conceal pipe, and

(b) when the building is completed and all control valves are in place.

(5) All work shall be left uncovered and convenient for examination until after it is inspected and approved, and no request for inspection shall be made until the installation is completed.

(6) If the installation is not ready, or defective upon inspection so as to require a second inspection, an additional fee of fifty cents shall be paid.

(7) Where extensions are found that have not been reported for inspection, a double inspection fee shall be paid.

(8) Where, in the opinion of the gas inspector, any work has been improperly piped, and it is necessary to reconstruct the work, an additional fee of one dollar shall be paid.

(9) All extensions to gas piping, exceeding ten feet in length, or any piping not fully exposed, shall be subject to an air test in the presence of the gas inspector before being connected to the meter.

21. (1) When the gas piping has been subjected to an air test by the gas inspector, and the work is found to comply with all the provisions of these regulations, the inspector shall tag the piping as satisfactory and notify the gas company that a meter may be installed.

(2) The gas inspector shall make a final inspection after the meter is set and all appliances are in place.

22. (1) The gas inspector may at any time between the hours of nine o'clock in the morning and five o'clock in the afternoon on any week day and in cases of emergency at any time inspect the gas piping, appliances and venting thereof in any house or building.

(2) The occupant, or if the premises are unoccupied, the owner shall repair and maintain the gas piping in the premises, and shall make such repairs and alterations to the gas piping on the premises as the gas inspector shall specify in order that such piping conform to the provisions of these regulations.

(3) The Superintendent shall direct the owner or user of any appliance, appurtenance, device, attachment or accessory, which is attached to or forms part of a gas system in any building and which does not fulfil the requirements of the regulations, or which, in the opinion of the gas inspector, is in or creates a dangerous condition, to remove such appliance, appurtenance, device, attachment or accessory.

(4) In the event of the refusal or neglect of any person to carry out any instructions of the Superintendent given pursuant to the regulations, the Superintendent may send to such person a written notice stating the nature and extent of the work required to be done and the term within which such work is to be completed.

National Parks Act—continued

(5) If upon the expiration of the time mentioned in such notice the work specified in the notice of the Superintendent has not been done, the Superintendent may give to the gas company a written order to discontinue the gas service until further notice and the gas company shall thereupon discontinue to supply such premises.

Appliances and Devices

23. (1) No person shall sell or install in a National Park any gas appliance until he has ascertained that such appliance is

- (a) not defective in any way, and
- (b) of a type the construction and performance of which are approved by the Superintendent on the advice of the City of Calgary Gas Committee.

(2) All appliances, appurtenances, devices, attachments and accessories which are attached to or form any part of any gas system shall meet the following specifications:

- (a) They shall be safe to operate, shall operate efficiently, and shall have adequate means for the complete venting of the products of combustion all in accordance with good engineering practice; and
- (b) They shall have a reasonable degree of durability.

(3) Where a complete shut-off type automatic pilot system is not utilized, a suitable firing valve shall be provided ahead of all controls except the manual pilot gas valve.

(4) Where a complete shut-off type automatic pilot system is utilized, a suitable firing valve shall be provided for shutting off the main gas burner independently of the pilot gas.

(5) On all conversion burner installations a suitable firing valve shall be installed on each burner lead.

(6) A union connection shall be provided downstream from the manual main shut-off valve to permit removal of the controls.

(7) Air supply requirements, consisting of a permanent opening to provide an adequate supply of fresh air for combustion to the space occupied by a central heating unit, that is, a steam, hot water boiler or hot air furnace, shall be provided.

(8) In a central heating unit, where the air is supplied from other parts of the building the total cross-sectional area of the inlet opening or openings shall not be less than one square inch for each 1,000 British Thermal Units of the total rated input of the burner or burners.

(9) In a central heating unit where the air is supplied directly from the outside the total cross-sectional area of the inlet opening or openings shall not be less than one-half square inch for 1,000 British Thermal Units of the total rated input of the burner or burners.

(10) Such air inlets shall be located so that they cannot be obstructed and the supply outlet to the furnace or boiler room shall be placed within two feet of the burner level.

(11) Where central heating units are enclosed in a separate room, at least three feet clearance shall be maintained at the front and rear of the unit so that burners, orifices, controls, filters, motors, blowers, vents, draft-hoods and vent connections are readily accessible for observation, inspection and servicing.

National Parks Act—continued

24. (1) Before installing any appliance, the gas-fitter shall examine such appliance for defects, and no defective appliance shall be installed and no burners shall be installed in defective appliances.

(2) All flues and fire travel shall be clear and all burners shall be put in good adjustment and excess air shall be controlled.

(3) The gas-fitter or other person installing any gas-burner equipment shall ensure that the appliance is clean and free from any matter that may interfere with the efficient use of gas and that no fumes will leak into the building where such appliance is installed, and he shall make such tests as are necessary to satisfy the gas inspector that these provisions have been complied with.

(4) No sheet metal may be installed to replace a boiler or furnace firebox door.

(5) The owner of any appliance installed in his premises shall maintain such appliance in a clean and efficient condition.

(6) When gas floor furnaces are installed, the furnace shall be located below the floor in a utility room, garage or other not habitable space.

(7) In such installations the furnace shall be completely enclosed except for required inlet and outlet for air required for combustion.

(8) Where gas furnaces are installed under the main floor, and there is no basement, a space of not less than six feet by six feet shall be provided, having a depth of not less than five feet from bottom of joists.

(9) All incinerators shall be vented directly into a concrete block or brick chimney, and no dampering devices of any kind from incinerators shall be installed in the vents.

(10) Clothes driers shall be separately vented to the outside atmosphere in the shortest direction possible.

Venting

25. (1) Every appliance of which the gas consumption is in excess of 5,000 British Thermal Units per hour shall be connected to a vent pipe which shall not be smaller than the vent collar attached to the appliance by the manufacturer, and which shall be adequate to conduct all the products of combustion to the outside atmosphere without affecting the adjustment of the appliance.

(2) Gas ranges with oven control may be installed without a vent connection to the outside except where

- (a) installed in rooms where sleeping accommodation is provided, or
- (b) installed in rooms where no other heating facilities are provided.

(3) Where oven control equipped gas ranges are installed unvented, provisions shall be made to divert the flue gases through the splash panel opening, and the rear of the range shall be adequately insulated to protect the room wall from radiant heat.

(4) Where kitchen exhaust fans are installed in the immediate vicinity of the range, or where the range is installed under a canopy vented to the outside atmosphere, no vent connection to the range is necessary.

National Parks Act—continued

(5) All dwellings having a central heating unit of any description such as a furnace or boiler shall be provided with a brick or concrete block chimney, the area of which shall be not less than fifty square inches.

(6) Metal double wall vents of approved type may be used under special conditions, with the approval of the gas inspector.

(7) Where light housekeeping gas ranges, gas fireplaces and heating stoves are installed flues of tile or other approved substance may be authorized by the gas inspector.

(8) All chimneys shall have a cleanout chamber at the base with a suitable opening for cleaning out and inspection purposes, and the opening shall be covered with a suitable metal cap or covering.

(9) All water heaters shall be equipped with down draft divertors.

26. (1) Vent pipes shall be sound and properly installed.

(2) No vent pipes shall be carried through an outside wall.

(3) Metallic vent pipes shall be not lighter than 26 U.S. gauge iron for all sizes smaller than six inches diameter, 24 U.S. gauge for sizes six to eight inches in diameter and 22 U.S. gauge for sizes over eight inches in diameter.

(4) Where a secondary vent is required for small appliances an approved type of cap shall be installed to avoid downdraft and obstruction by birds' nests and refuse, and such caps shall have openings equal to the area of the pipe.

(5) Where the vent pipe extends over one foot into the outside atmosphere, it shall be of dual construction and insulated to prevent the formation of frost.

27. All vent pipes carried through a roof and all chimneys shall extend at least three feet above the highest point at which they come in contact with the roof of a building, and at least two feet higher than any ridge, mansard roof, parapet wall or roof structure within ten feet thereof.

28. (1) Main vent pipes shall be increased in size in accordance with the number of branches, and such branches shall be so constructed as to offer the minimum resistance to the flow of the flue products.

(2) No solid damper shall be placed in a vent pipe; no horizontal run of vent pipe shall exceed twenty feet in length.

(3) When a check draft is installed in a vent pipe where a perforated damper is used, it shall be placed between the damper and the chimney.

(4) In all cases the perforated damper and the check draft shall be located as close to the appliance as possible.

(5) All dampers used in vent pipes shall be constructed of cast iron or steel plate and shall be perforated in accordance with good engineering practice in order to allow adequate fume passage when closed.

(6) No circular vents four inches or less in diameter shall have dampering devices of any nature other than a draft hood that has been approved by the Superintendent.

(7) No device shall be installed in any vent pipe without the approval of the Superintendent.

National Parks Act—continued

(8) Where one pipe is installed into a vent pipe of an equal size or larger, such pipe shall not enter at right angles but a "Y" connection shall be utilized wherever possible.

(9) In all cases the vent connection shall be made on the side of the header vent.

(10) No two vent pipes may enter a vertical chimney where the entry of each would be immediately opposite or on the same level.

(11) A guard or adapter of a type satisfactory to the gas inspector shall be provided for any vent which enters another vent or chimney in order to prevent such entering vent from extending too far into the other vent or chimney, and such guard or adapter shall be adequate to maintain the weight of the entering vent.

(12) A vent from a water heater or any minor appliance in continual use shall not be vented into a large vent pipe from a furnace or boiler which is in operation intermittently.

29. All fireplaces shall be so constructed as to provide adequate insulation of all inflammable material, and shall be provided with a hearth, canopy and vent, all to the satisfaction of the gas inspector.

30. Where in the opinion of the gas inspector any appliance is not properly vented, he may order such alterations as he deems necessary.

31. The size of vent piping which may be installed shall be not less than as set out hereunder:

Minimum Size of Vent Piping and Chimneys

Chimney Sizes (Diameter)	40 ft.	30 ft.	20 ft. high
10 inches.....	800 c.f.h.	700 c.f.h.	600 c.f.h.
12 inches.....	1,400 c.f.h.	1,300 c.f.h.	1,200 c.f.h.
14 inches.....	2,000 c.f.h.	1,900 c.f.h.	1,700 c.f.h.
16 inches.....	2,700 c.f.h.	2,500 c.f.h.	2,300 c.f.h.
18 inches.....	3,600 c.f.h.	3,300 c.f.h.	2,900 c.f.h.
20 inches.....	4,600 c.f.h.	4,300 c.f.h.	3,800 c.f.h.

(NOTE.—c.f.h. means cubic feet per hour.)

Vent Diameter	Area	Gas Input per Hour
3 inches.....	7 sq. ins.	0 to 53 cu. feet
4 inches.....	13 sq. ins.	53 to 95 cu. feet
5 inches.....	20 sq. ins.	95 to 147 cu. feet
6 inches.....	28 sq. ins.	147 to 212 cu. feet
7 inches.....	39 sq. ins.	212 to 289 cu. feet
8 inches.....	50 sq. ins.	289 to 377 cu. feet
9 inches.....	64 sq. ins.	377 to 475 cu. feet
10 inches.....	79 sq. ins.	475 to 590 cu. feet
12 inches.....	113 sq. ins.	- to 850 cu. feet
14 inches.....	154 sq. ins.	- to 1,155 cu. feet
16 inches.....	201 sq. ins.	- to 1,510 cu. feet
18 inches.....	254 sq. ins.	- to 1,910 cu. feet
20 inches.....	314 sq. ins.	- to 2,360 cu. feet

National Parks Act—continued*Lighting*

32. (1) Where gas is used for lighting, all branches shall be taken off from the top or side of the running lines.

(2) All branches for drop openings or bracket openings must be firmly supported.

(3) All gas brackets shall be placed at least three feet below the ceiling or wood-work unless such ceiling or wood-work is adequately protected by a shield, in which case the distance shall be not less than eighteen inches.

(4) No swinging or folding gas brackets shall be placed against or near any stud partitions or wood-work, but shall be provided with stops arranged so as to keep the bracket at least five inches from the plaster or wood-work.

(5) No gas pipe shall extend into an electric or bracket outlet box more than the length of the usual fixture stud; every such pipe shall be grounded permanently and effectively by means of an approved clamp.

33. (1) Before turning gas under pressure into any piping for the first time, the person in charge shall assure himself that there are no openings from which gas can escape.

(2) The meter should then be turned on and the hand on the test dial (a small dial generally above the regular dials) carefully watched to ascertain that no gas is passing through the meter.

The following instructions should be observed:

- (a) to assist in observing any movement on the dial hand, it is customary to wet a small piece of paper and paste its edge directly over the centre of the hand as soon as the gas is turned on;
- (b) if the test hand shows any movement, the meter cock should be turned off; all cocks and pilot burners supplied through the meter should be examined to see that they are turned off and do not leak; if these are found tight it will indicate that there is a leak in the house piping;
- (c) after the necessary repairs have been made, the above tests should be repeated; and
- (d) if careful observation of the test hand for sufficient length of time reveals no movement, the piping should be purged and a small burner turned on and lighted and the hand of the test dial again observed; it should now show a slight movement.

(3) Before leaving the premises all air shall be drawn from piping and appliances and all pilot burners shall be lighted and properly adjusted.

(4) When purging pipes supplying appliances which have burners enclosed in space wherein gas may collect, the air should be drawn, in so far as possible, from an opening outside of the enclosure, such as the end of the manifold.

Turning Off Gas

34. (1) Before turning off the gas at the meter, all burners and burner cocks on the premises supplied by gas through the meter should be turned off, and the meter test hand observed for a sufficient length of time to ascertain that no gas is passing through the meter.

(2) Where there is more than one meter on the premises, care shall be taken to ensure that the proper meter is turned off.

National Parks Act—continued

9. National Parks Timber Regulations

P.C. 1954-1736

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the National Parks Act, is pleased to order as follows:

1. The Regulations governing the cutting and removal of timber in the National Parks of Canada, established by Order in Council P.C. 5384 of 31st December, 1947, as amended, are hereby revoked; and

2. The annexed "Regulations governing the cutting and removal of timber in the National Parks of Canada" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING THE CUTTING AND REMOVAL OF TIMBER IN THE
NATIONAL PARKS OF CANADA

1. These regulations may be cited as the *National Parks Timber Regulations*.

INTERPRETATION

2. In these regulations,

- (a) "cord" means a quantity of timber containing 128 cubic feet;
- (b) "Director" means the Director of the National Parks Branch;
- (c) "dues" is the sum payable to the Crown in the right of Canada in respect of any timber cut and is in addition to any rentals, royalties and taxes payable by the permittee;
- (d) "Minister" means the Minister of Northern Affairs and National Resources;
- (e) "Park" means any National Park;
- (f) "sawlogs" includes all logs of timber of whatever length, whether round or flat;
- (g) "Superintendent" means the Superintendent of a Park and includes any person authorized to act for or in the name of the Superintendent;
- (h) "timber" means all trees whether standing, fallen or cut, and includes the manufactured products thereof; and
- (i) "timber permit" is an authorization issued by the Superintendent to cut a quantity of timber specified therein on an area described therein.

Timber Permits—General

3. (1) No person shall cut or remove timber in a Park unless he has obtained a timber permit from the Superintendent.

National Parks Act—continued

(2) Permits shall be issued for the cutting of timber only in areas of a Park designated by the Director.

(3) The Superintendent may cancel the permit of any permittee who

(a) cuts timber not authorized by his permit; or

(b) fails to carry out or comply with these regulations and the conditions of his permit.

4. Any person who cuts a quantity of timber in excess of five (5) per cent of the quantity authorized by his permit shall pay dues at double the rate set out in Schedule A on any timber cut in excess of that specified in his permit.

5. (1) All permits issued under these regulations shall expire on March 31 following the date of issue unless it is specified in the permit that it is for a shorter period.

(2) A fee of \$1.00 is payable for each timber permit issued.

6. Timber permits are not transferable.

7. Each timber permit shall state

(a) the quantity and kind of timber that may be cut;

(b) the area on which cutting may be carried out; and

(c) the terms and conditions the Director considers necessary to protect adequately the Park and the public interest.

8. (1) Subject to subsections (2) and (3) the dues payable on all timber cut under permit in a Park shall be in accordance with the scale set out in Schedule A, but where timber cut in a Park is utilized outside the Park, and the dues set out in Schedule A are lower than those charged by the province in which the Park is situated for the same class and size of timber, the dues payable shall be in accordance with the scale of dues charged by that province.

(2) The Minister may authorize the issue of timber permits free of dues for the construction or reconstruction of religious, educational or charitable institutions in a Park but no permit issued under this subsection shall be for a greater quantity of timber than 20,000 foot board measure.

(3) A permit to cut timber in Wood Buffalo Park for fuel may be issued free of dues by the Superintendent to a religious, educational or charitable institution located in the vicinity of that Park over an area not exceeding 160 acres but the quantity of timber that may be cut under any such permit shall not exceed 100 cords in any year.

9. (1) All dues shall be paid in advance except in the case of permits issued for the cutting of timber on areas in excess of 160 acres, in which case all dues shall be paid before any timber is used or removed from the Park.

(2) Dues paid at the time of the issue of a timber permit shall remain the property of the Crown whether the permittee operates or not, but where a permittee is required to stop cutting by order of the Superintendent through no fault of the said permittee, the dues paid on timber not cut may be refunded.

10. (1) All timber permits issued must be returned within fifteen days of the expiration thereof to the office of the Superintendent with the statutory declaration on the reverse of the permit properly completed showing the exact quantity of timber cut.

National Parks Act—continued

(2) No permit shall be issued to any person who has not returned all expired permits that have been issued to him.

11. Each permittee shall

- (a) comply with all special conditions or terms of his permit;
- (b) cut only the timber marked for cutting or as specified in his permit;
- (c) take all merchantable portions of the timber cut by him;
- (d) destroy no green timber or young growth except that which in the opinion of the Superintendent is necessary to carry out the cutting privileges granted in the permit;
- (e) cut no trees higher than eighteen inches from the ground measured at the lower side;
- (f) dispose of all tops, branches and debris resulting from operations under his permit in accordance with instructions of the Superintendent;
- (g) upon the expiration of his permit, remove from the Park all timber cut and all buildings and other property belonging to him within the time fixed by the Superintendent; and
- (h) not construct any roads except with the approval and under the direction of the Superintendent.

12. (1) Sawlogs shall be measured in feet board measure using the International Log Rule based on a saw-kerf of one-quarter inch.

(2) Fuel wood shall be measured in cords.

(3) Round timber shall be measured by the linear foot.

13. (1) The Superintendent may enter upon any property in a Park held under lease or licence and cut and dispose of any timber which is diseased.

(2) Any person occupying land in a Park under lease or licence desiring to remove trees to provide space for building and landscaping shall apply to the Superintendent for permission to remove such trees.

(3) The Superintendent may give notice to the lessee or licensee of any property in a Park to cut down and dispose of any trees that are in any way liable to be dangerous to persons or property.

(4) The lessee or licensee shall forthwith, upon receiving permission or a notice, cut down and dispose of such trees.

(5) If the lessee or licensee does not cut down and dispose of such trees in accordance with the permission or direction of the Superintendent the Superintendent may enter upon such property and cut down and dispose of such timber and the cost thereof shall be paid by the holder of such property.

Dead Timber Permits

14. (1) The Director may authorize the issue of timber permits for the cutting of dead or diseased timber on any areas not exceeding 160 acres in extent.

(2) In any case where it is desirable to remove dead or diseased timber from areas greater than 160 acres in extent, the areas shall be laid out in berths not exceeding two square miles each, and the Minister may dispose of the timber cutting rights thereon by public competition.

National Parks Act—continued

(3) Where timber is disposed of by public competition, the annual rental at the rate of \$30 per square mile is payable in advance.

15. (1) The successful applicant for a timber permit secured by public competition shall take out a permit within sixty days from the date of the granting of such right and pay the ground rental and all dues on the timber cut under such permits shall be paid before any timber is removed from the Park.

(2) Upon the expiration of such permit the Director may, at his option, grant a renewal thereof, if all fees, dues, rental and other charges in respect of such permits have been paid and all operations of the permittee have been satisfactory to the Superintendent.

16. Where the successful applicant for a timber permit secured by public competition fails to take out a permit within sixty days from the day the Superintendent notifies him that his application has been accepted, or where a permittee fails to make application for a renewal upon the expiration of his permit, the right to obtain such permit or such renewal, as the case may be, is forfeited to the Crown.

Green Timber Permits

17. Where it is considered in the Park interest to cut green timber the Director may authorize the issue of timber permits for the cutting of green timber in an area not exceeding 160 acres in extent.

Licence Timber Berths

18. (1) A licensee of a timber berth in a Park in the Province of British Columbia that was disposed of prior to the coming into force of the National Parks Act shall pay dues according to the rates set out in Schedule B on timber cut in the berth licensed to him.

(2) Dues shall be paid at the rates in force at the date of scaling, irrespective of the time when the timber was cut.

19. The Minister may prescribe the form of annual licence for the timber berths specified in section 18.

20. (1) The licensee of a timber berth in a Park shall pay an annual ground rent of fifty dollars per square mile and also an annual licence fee of two dollars.

(2) The licensee shall pay annually a charge of six cents for each acre contained in a timber berth to cover the cost of guarding from fire the timber in the said berth.

Schedule "A"

DUES CHARGEABLE ON TIMBER CUT IN NATIONAL PARKS

1. Saw Timber (green or dry)

	Rate of Dues
Pine—white, per 1,000 feet board measure	\$ 6.00
Pine—red, jack, lodgepole, per 1,000 feet board measure ..	5.00
Hemlock, per 1,000 feet board measure	5.00
Spruce, per 1,000 feet board measure	6.00
Balsam fir, per 1,000 feet board measure	5.00
Other species, per 1,000 feet board measure	3.00

National Parks Act—continued

2. <i>Fuelwood</i> (green or dry)		
(a) To residents or settlers in the vicinity of Wood Buffalo Park, all species, per cord		\$0.75
(b) To all others—		
Poplar per cord .....		.50
Birch, oak, maple, beech, tamarak per cord		1.50
Other species per cord		1.00
3. <i>Fence Posts</i> (not exceeding 6 inches top or face and 7 feet in length)		
Poplar and willow each .....		.03
Other species each .....		.05
4. <i>Round Timber</i> (green or dry)		
Poles, building logs, rails etc	<i>Poplar</i>	<i>Other Species</i>
Butt diameter 5 inches or less, per linear foot	$\frac{1}{4}$ c	$\frac{1}{2}$ c
Butt diameter over 5 inches to 8 inches, per linear foot	$\frac{1}{2}$ c	1c
Butt diameter over 8 inches to 12 inches, per linear foot	1c	2c

(NOTE: All timber over 12 inches at the butt to be scaled as saw timber).

Schedule “B”

DUES CHARGEABLE ON TIMBER CUT IN LICENSED TIMBER BERTHS IN NATIONAL PARKS IN THE PROVINCE OF BRITISH COLUMBIA

1. <i>Saw Timber</i>	<i>Rate of Dues</i>
Poplar and Balsam fir	\$2.00 per M. ft. B.M.
All other species	3.00 per M. ft. B.M.
2. <i>Poles, Piling and Crib Timber</i>	
Over 6" but not exceeding 8" top end .	2c per lin. ft.
Over 8" top end	3c per lin. ft.
3. <i>Railway Ties</i>	
No. 1 8' long	16c each
No. 2 8' long	15c each
No. 3 and cull, 8' long	10c each
Hewn ties shall be 1 cent more for Nos. 1 and 2.	
4. <i>Round Timbers for Mines, Fencing, Corrals, etc.</i>	
Up to 3" not exceeding 16' long	$\frac{1}{4}$ c per lin. ft.
Over 3" and up to 5", 16' long	$\frac{1}{2}$ c per lin. ft.
Over 5" and up to 7", 16' long	$\frac{3}{4}$ c per lin. ft.
Over 7" and up to 9", 16' long	$1\frac{1}{4}$ c per lin. ft.
Over 9" and up to 10", 16' long	2c per lin. ft.
Over 10" any length	$3\frac{3}{4}$ c per lin. ft.

National Parks Act—continued

5. Shingle Shakes	½c each
6. Car Stakes	1½c each
7. Cordwood (for fuel only)	
Poplar	55c per cord
All other species (green)	\$2.25 per cord
All other species (dry or fire killed) ..	1.10 per cord
8. Slabs and Edgings	55c per cord
9. Lath	
No. 1	50c per 1,000
Nos. 2 and 3	40c per 1,000

10. National Historic Parks—Schedules of areas established

P.C. 1954-1737

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the National Parks Act, is pleased, hereby, to revoke Order in Council P.C. 4982 of 3rd November, 1948, as amended, and, in substitution therefor, to order as follows:

1. The lands described in the Schedule hereto, title to which is vested in Her Majesty, constitute the National Historic Parks; and
2. The provisions of sections 5, 7 and 8 of Part I of the National Parks Act apply to the said National Historic Parks.

SCHEDULE

NATIONAL HISTORIC PARKS

NOVA SCOTIA

Fortress of Louisbourg Historic Park comprising the areas as described in the Deeds therefor, as follows:

1. All and singular that certain tract of land situate at Louisburg in the Island and County of Cape Breton, in the Province of Nova Scotia and bounded on the north by the waters of Louisburg Harbour, on the east, southeast, south and southwest by the Atlantic Ocean, on the west by the easterly limit of the lands formerly owned by Helen O. Ross et al and designated as Parcel No. 23, all as shown on a plan of Louisburg (Old Town), showing individual properties thereon as determined by survey in accordance with Deeds and Provincial Grants as supplied by the Department of the Interior, Ottawa, signed by J. H. Congdon, Provincial Land

National Parks Act—continued

Surveyor, on the 10th day of August, 1922, a duplicate of which is filed and registered in the Registry Office at Sydney, Nova Scotia, for the County of Cape Breton under date of 1st December, 1928.

2. All and singular that certain tract of land or island commonly called and known as "Battery Island" situate, lying and being near the entrance to Louisburg Harbour in the County of Cape Breton containing two acres and one-half of land as described in a Deed dated November 26, 1937, the same being registered in the Registry Office at Sydney, Nova Scotia, on the 30th day of November, 1937, Book 357, Pages 805 to 807.

3. All and singular that certain lot, piece or parcel of land commonly called and known as "Grand Battery" situate, lying and being at Louisburg, in the County of Cape Breton, Province of Nova Scotia, and being more particularly bounded and described as follows: Bounded on the south by Louisburg Harbour and having a frontage thereon of eight hundred and eighty-three feet, more or less; on the west by the Glebe House property and measuring on said western side three hundred and seventy-one feet, more or less; on the north by the Old Fortress Road and having a frontage thereon of nine hundred and ninety-four feet more or less; on the east by the Wilson property and measuring on the said eastern boundary four hundred and fifty-nine feet more or less, containing nine acres, more or less, as described in a Deed dated the 23rd day of February, 1938, the same being registered in the Registry Office at Sydney, Nova Scotia, on April 28th, 1938, in Book 365, Pages 547 to 549.

Port Royal Historic Park comprising the areas as described in the Deeds therefor, as follows:

1. All and singular that certain lot, piece and parcel of land situate, lying and being at Lower Granville, in the County of Annapolis, and more particularly described as follows:

Commencing at a point thirty-one and six-tenths (31.6) feet distant and south sixty-nine degrees (69° 00') west from the northwest corner of the Champlain Habitation Monument, and thirty-two and two-tenths (32.2) feet distant and south eighty-three degrees thirty minutes (83° 30') west from the southwest corner of said Monument, said point being on the northern boundary of the highway between Granville Ferry and Victoria Beach, thence north one degree thirty minutes (1° 30') west a distance of one thousand and sixty-five and seven-tenths (1065.7) feet, to a point south twenty-five (25) feet more or less from the southern boundary of P. H. Robblee's orchard, thence north eighty-eight degrees thirty minutes (88° 30') east a distance of three hundred and eighty-two and nine-tenths (382.9) feet to a point south twenty (20) feet more or less from southern boundary of said orchard, thence south one degree thirty minutes (1° 30') east a distance of eight hundred and twenty-six and four-tenths (826.4) feet to a stake on the northern boundary of aforementioned highway, thence in a southwesterly direction along the northern boundary of the highway a distance of four hundred and forty-eight (448) feet more or less to the point of beginning, said Lot containing eight and twenty-five one hundredths (8.25) acres, saving and excepting such lands within the described lands and premises as may be the property of the Canadian National Railway for its right of way thereover, and also reserving to the said Philip H. Robblee, his heirs and assigns, a right of way twenty (20) feet in width along the east side of said lot next to land of Stanley Farnsworth extending from the main highway to the orchard owned by said Philip H. Robblee;

National Parks Act—*continued*

as described in a Deed dated the 8th day of November, 1938, the same being registered in the Registry Office at Bridgetown, Nova Scotia, on the 22nd November, 1938, Book 197, Page 335.

2. All and singular that certain piece or parcel of land situate, lying and being at Lower Granville, in the County of Annapolis, bounded and described as follows:

Commencing on the south side of the main highway at the eastern corner of lands now owned by The Historical Association of Annapolis Royal, thence proceeding easterly along the main highway to a point approximately one hundred and twenty-five feet from the place of beginning or a point four feet west of a line of pine trees now on the land of said Albert E. Parker, which said line of trees extends from the main highway to the Annapolis River, thence following southerly a course four feet to the westward of said trees to the Annapolis River, thence along said Annapolis River to the southeasterly corner of said lands of said The Historical Association of Annapolis Royal, thence northerly along the east boundary of the lands of the said Historical Association to the point of beginning, as described in a Deed dated the 7th day of February, 1939, the same being registered in the Registry office at Bridgetown, Nova Scotia, on the 2nd March, 1939, Book 179, Page 520.

3. All and singular those certain pieces or parcels of land situate lying and being at lower Granville, in the County of Annapolis, bounded and described as follows:

Commencing on the north side of the main highway at the southwestern corner of lands of Her Majesty the Queen in right of Canada, thence westerly, following the course of the main highway, to lands of Vernon Clarke, thence northerly along lands of the said Vernon Clarke to lands of the Canadian National Railway, thence easterly along the southern line of lands of the said Canadian National Railway to lands of Her Majesty the Queen in right of Canada, thence along the western line of lands of Her Majesty the Queen in right of Canada to the place of beginning, containing five acres more or less, saving and excepting a certain right of way over the hereinbefore described lands granted to one Ewart Gladstone Morse, his heirs, executors, administrators and assigns, by a certain Indenture bearing date the 1st November, 1934, between The Historical Association of Annapolis Royal, of the one part, and the said Ewart Gladstone Morse, of the other part, which said Indenture is duly recorded in the Registry of Deeds for the County of Annapolis in Book 193, Page 303;

Also all that certain other piece or parcel of land situate opposite the first described lot of land and on the south side of the main highway, commencing at a point where the west line of land of Albert E. Parker, intersects the south side of the main highway, thence southerly along the said west line of Albert E. Parker twenty-eight feet or to the bank of the Annapolis River, thence westerly along the bank of said River until the bank of said River meets the said south side of the main highway, thence easterly along said south side of the main highway to the place of beginning; as described in a Deed dated the 8th February, 1939, the same being registered in the Registry Office at Bridgetown, Nova Scotia, on the 2nd March, 1939, in Book 197, Page 520.

National Parks Act—continued

4. All and singular that certain lot or parcel of land and premises situate at Karsdale, in the County of Annapolis and Province of Nova Scotia, forming part of the former right of way land of the Halifax and South Western Railway Company and more particularly bounded, delimited and described as follows:

Beginning at a point on the original centre line of the abandoned former main line of the said Railway where it is intersected by the prolongation across the railway right of way of the boundary line between land formerly of P. H. Robblee, now of Her Majesty the Queen in right of Canada, and that formerly of Stanley Farnsworth, lying adjacent easterly; the said point of intersection being at or about Station 4534.04 of the chainage of the Middleton Sub-division of the Railway (Station 0+00 thereof being at the Junction Switch at Bridgewater Junction Station 4173+83.4 of the chainage of the Chester Subdivision of the said Railway);

Thence, from the point of beginning, so determined, westerly, along the said original Centre Line as shown by a broken white line on the accompanying plan seven hundred and seventy-eight (778) feet, more or less, to a point on the prolongation across the Railway right of way of the boundary line between land formerly of Mrs. John Robblee, now of Her Majesty the Queen in right of Canada, and that of Vernon Clarke, lying adjacent westerly; embracing throughout a width of forty-nine and five-tenths (49.5) feet on the right or northerly side of the said original Centre Line, and on the left or southerly side thereof a width of one hundred and forty-nine and five-tenths (149.5) feet, measured at right angles thereto;

Containing, the said parcel of land so described, an area of three and fifty-five hundredths (3.55) acres more or less, as described in a Deed dated the 3rd February, 1939, the same being registered in the Registry Office at Bridgetown, Nova Scotia, on the 17th May, 1939, in Book 197, Page 588.

5. All and singular that certain parcel or tract of land known as Champlain's Garden, situate between Port Wade-Annapolis Highway and the Annapolis River, in the vicinity of Lower Granville, in the County of Annapolis, in the Province of Nova Scotia, as shown upon a plan of survey signed by E. R. Wade, Provincial Land Surveyor, and dated 19th November, 1948, and of record in the National Parks Branch, Department of Northern Affairs and National Resources, Ottawa; said parcel containing an area of three acres and five-tenths of an acre, more or less, being the same lands and premises as were conveyed by the Historical Association of Annapolis Royal to Her Majesty the Queen in right of Canada by deed recorded in the Registry of Deeds at Bridgetown, N.S., in Book 210, page 496.

QUEBEC

Fort Chambly Historic Park comprising the following described area:

All and singular that certain parcel or tract of land situate at Chambly in the Province of Quebec and comprising Villa Lots 1-1, 1-2 and 1-21 as shown on a plan of Ordnance Lands situate at Chambly, P.Q., accepted and approved to be retained of record in the Northern Administration and Lands Branch, Department of Northern Affairs and National Resources, and signed by David Mills, Minister of the Interior, on January 10, 1878.

National Parks Act—concluded

Fort Lennox Historic Park comprising the following described area:

All and singular that certain parcel or tract of land comprising a number of islands in the Richelieu River, situate, lying and being near St. Paul, in the Province of Quebec and comprising all the lands included in the Imperial Reserve transferred to the control of Canada and known as the Military Reserve Ile-aux-Noix, containing an area of two hundred and ten (210) acres, more or less.

ONTARIO

Fort Wellington Historic Park comprising the following described area:

All and singular that certain parcel or tract of land situate in the Town of Prescott in the County of Grenville and Province of Ontario, and comprising Lots 29 to 36 inclusive, as shown on a plan of the Ordnance property in the Town of Prescott as surveyed under instructions from the Crown Lands Department dated 11th May, 1859, and signed by B. W. Gossage, Provincial Land Surveyor.

Woodside Historic Park comprising the following described area:

All and singular that certain parcel or tract of land and premises, situate, lying and being in the City of Kitchener, in the County of Waterloo and being composed of Park Lot Number 549 of Grange's Survey north of King Street and north of the Canadian National Railway in the said City, save and except those portions of the said lot described as follows, that is to say: **FIRSTLY**, a portion of the said lot containing by admeasurement nineteen hundredths of an acre be the same more or less and more particularly described as follows, that is to say: **COMMENCING** at the northwesterly angle of said lot number 549; **THENCE** north sixty-four degrees thirty minutes east along the northerly limit of the lot sixty-six feet; **THENCE** south two degrees thirty minutes west two hundred and seventy-five feet to the westerly limit of the lot; **THENCE** northerly along the same two hundred and forty-nine feet to the place of beginning. (See No. 15907.) **SECONDLY**, another portion of the said lot, more particularly described as follows: **COMMENCING** at the southwesterly angle of the said Lot; **THENCE** easterly along the northerly limit of Spring Street thirty-eight feet; **THENCE** northerly parallel with the westerly limit of the said lot one hundred and fifteen feet; **THENCE** westerly parallel with the said limit of Spring Street thirty-eight feet to the westerly limit of the said lot; **THENCE** southerly along the same one hundred and fifteen feet to the place of beginning. (See No. 49201.) **THIRDLY**, another portion of the said Lot, containing by admeasurement one acre and one-tenth be the same more or less, being more particularly described as follows, that part of said lot required for the Bridgeport Branch of the Grand Trunk Railway, as now fenced, extending from Spring Street to the northerly boundary of the said lot and as shown coloured in red on a plan attached to deed dated the 26th day of September, 1903, and registered in the Registry Office for the County of Waterloo as No. 16771. (See No. 16771.) **FOURTHLY**, another portion of the said lot, containing sixty-five one-hundredths of an acre, be the same more or less, and more particularly described as being bounded on the northerly side by the north limit of said lot number 549, on the westerly side by lands belonging to the Berlin and Northern Railway Company and on the easterly side by a line four hundred and eighty feet in length more or less partly straight and partly curved and beginning at a point in the boundary between said lot number 549 and

National Parks Act—continued

lot number 548 of said survey, ninety-eight feet southerly from a reentrant angle in the present lands of the Berlin & Northern Railway Company on the said boundary and extending to a point in the northerly limit of said Lot No. 549 one hundred and ninety-four feet measured easterly from the nearest angle of the said lands of the Berlin & Northern Railway Company on said northerly limit of Lot No. 549. (See No. 32908.) AND FIFTHLY, another portion of the said lot containing by admeasurement 29,215 square feet be the same more or less, and being composed of part of Lot No. 549 of Grange's Survey north of Spring Street and east of Lancaster Street in the said City of Kitchener and which said parcel may be more particularly described as follows, that is to say: FIRSTLY, a strip of land sixty-feet in width extending completely across the lands of one Anne Elizabeth Walters the centre line of which strip may be more particularly described as follows, that is to say: BEGINNING in the northerly limit of Spring Street at a point distant 378 and seventy-seven hundredths feet measured westerly thereon from the easterly limit of Lot No. Three of the German Company Tract; THENCE northerly in a straight line which if produced northerly would intersect the said easterly limit of lot number three of the German Company Tract at a point distant 406 and twelve hundredths feet measured northerly thereon from the said northerly limit of Spring Street a distance of forty-seven feet more or less to a point on the easterly limit of lands of the City of Kitchener, and which said point shall be the point of commencement of the said centre line; THENCE northerly along said production northerly of said straight line a distance of four hundred and forty-two and sixty-five hundredths feet more or less to the easterly limit of Lot No. Three of the German Company Tract. SECONDLY, commencing in the northerly limit of Spring Street at a point distant twenty feet measured easterly thereon from its intersection with the easterly limit of the herein firstly described parcel; THENCE westerly along said northerly limit of Spring Street a distance of twenty feet; THENCE northerly along said southerly limit of the herein firstly described parcel a distance of twenty feet; THENCE southeasterly in a straight line a distance of twenty feet more or less to the said point of commencement. (See No. 63856.) AND SIXTHLY, another portion of the said Park Lot No. 549 of Grange's Survey north of King Street and north of the Canadian National Railway and which may be more particularly described as follows, that is to say: COMMENCING at the southwesterly angle of said Park Lot Number 549; THENCE north sixty-four degrees and thirty minutes east along the northerly limit of Spring Street a distance of thirty-eight feet to the place of commencement of the parcel of land hereby conveyed; THENCE north fourteen degrees west and parallel to the westerly limit of said Park Lot Number 549 a distance of one hundred and fifteen feet; THENCE south sixty-four degrees and thirty minutes west and parallel to the northerly limit of Spring Street a distance of thirty-eight feet more or less to the westerly limit of the said Park Lot Number 549; THENCE north fourteen degrees west along the said westerly limit of the said Park Lot Number 549 a distance of seventy feet; THENCE north sixty-four degrees and thirty minutes east and parallel to the northerly limit of Spring Street a distance of one hundred and sixteen feet more or less to a point twenty feet west of the westerly limit of the lands conveyed to the Grand Trunk Railway Company of Canada by Instrument registered in the Registry Office for the Registry Division of the

National Parks Act—continued

County of Waterloo as No. 16771 for the City of Kitchener; THENCE southerly parallel to the said westerly limit one hundred and eighty-nine feet more or less to a point in the northerly limit of Spring Street distant twenty feet westerly from the westerly limit of the said lands conveyed to the Grand Trunk Railway Company of Canada and thence south sixty-four degrees and thirty minutes west along the said limit forty-nine feet more or less to the place of commencement.

Fort Malden Historic Park comprising the following described area:

All and singular those certain parcels or tracts of land and premises, situate, lying and being in the Town of Amherstburg in the County of Essex and Province of Ontario, and being composed of lots Four (4) and Five (5) on the west side of Laird Avenue in the said Town of Amherstburg, according to Registered Plan Number Seven (7), said parcels containing an area of four and sixty-five hundredths (4.65) acres more or less, together with the water lot in front of Lot Four (4), which latter extends from the water's edge to the channel bank of the Detroit River.

MANITOBA

Lower Fort Garry Historic Park comprising the following described area:

All and singular that certain parcel or tract of land and premises, situate, lying and being in the Province of Manitoba and composed of those portions of River Lot One (1), in the Parish of Saint Clements, and River Lot One Hundred and Thirty-one (131), in the Parish of Saint Andrews, lying to the east of Lord Selkirk Highway, as same are shown outlined in pink on the Plan of Survey, registered in the Winnipeg Land Titles Office as Number 5196.

Fort Prince of Wales Historic Park comprising the following described area:

All and singular that certain parcel or tract of land and premises, situate, lying and being in the Province of Manitoba, at the northern end of the western peninsula formed by the junction of the Churchill River and Hudson Bay, comprising all that portion of the said peninsula lying to the north of the northerly limit of First Avenue, in the said town of Churchill, and containing an area of fifty (50) acres, more or less, as shown on a plan approved and confirmed by Edouard Deville, Surveyor General of Canada, dated the 5th day of November, 1909, and which said plan is of record in the Legal Surveys and Aeronautical Charts Division, Department of Mines and Technical Surveys, Ottawa, under Number 15353.

SASKATCHEWAN

Fort Battleford Historic Park comprising the following described area:

All and singular those certain parcels or tracts of land and premises, situate, lying and being in the Townsite of Battleford, in the Province of Saskatchewan and being composed of lots eleven (11) to thirty (30), both inclusive, on the north side of Ninth (9th) Street; Lots eleven (11) to thirty (30), both inclusive, on the south side of Tenth (10th) Street; Lots eleven (11) to thirty (30), both inclusive, on the north side of Tenth (10th) Street; Lots eleven (11) to thirty (30), both inclusive, on the south side of Eleventh (11th) Street; Lots eleven (11) to

National Parks Act—continued

thirty (30), both inclusive on the north side of Eleventh (11th) Street; Lots eleven (11) to thirty (30), both inclusive on the south side of Twelfth (12th) Street; Lots eleven (11) to thirty (30), both inclusive, on the north side of Twelfth (12th) Street; Lots eleven (11) to thirty (30), both inclusive, on the south side of Thirteenth (13th) Street, all situated east of Central Avenue, as shown on a plan of record in the Land Titles Office for the Battleford Land Registration District as Number B. 1125.

11. National Parks Grazing Regulations

P.C. 1954-1738

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the National Parks Act, is pleased to order as follows:

1. The Regulations governing the grazing of livestock in the National Parks of Canada, established by Order in Council P.C. 263 of 26th January, 1948, are hereby revoked; and
2. The annexed "Regulations governing the grazing of livestock in the National Parks of Canada" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING THE GRAZING OF LIVESTOCK
IN THE NATIONAL PARKS OF CANADA

Short Title

1. These regulations may be cited as the *National Parks Grazing Regulations*.

Interpretation

2. In these regulations,
 - (a) "livestock" means cattle and horses;
 - (b) "Park" means any National Park;
 - (c) "Park Warden" means any officer appointed under the provisions of the Civil Service Act whose duties include the enforcement of regulations for the protection of forests and game; and
 - (d) "Superintendent" means the Superintendent of a Park and includes any person authorized to act for or in the name of the Superintendent.

Grazing Permits

3. No livestock shall be permitted to graze or roam at large within a Park unless a permit has first been secured from the Superintendent.

National Parks Act—continued

4. (1) Permits may be issued for livestock to graze in a Park but no permit shall be issued if such grazing privileges interfere with game management, the administration of the Park or the purposes for which the Park was established.

(2) Grazing shall be permitted only on those areas and for such periods in each year as the Superintendent shall designate.

(3) Permits shall not be issued for animals other than livestock as defined by these regulations.

5. Application for a permit shall be made in writing to the Superintendent before livestock is brought into the Park, and shall be accompanied by a description of each head of livestock that is sufficient in the opinion of the Superintendent to identify each head of livestock.

6. The Superintendent shall issue permits only to the owners of livestock.

7. Permits are not transferable.

8. Each holder of a permit for livestock to graze in any part of a Park shall confine his livestock to the area specified in his permit.

9. The Superintendent may order the holder of any permit to remove his livestock from the area specified in his permit to another area in the Park.

(a) if such livestock are found to be damaging timber, young trees or water supply, or

(b) if the Superintendent is of the opinion that such removal would be in the best interest of the Park.

10. Each permittee who is ordered by the Superintendent to remove his livestock to another area shall do so forthwith.

11. The permit to any person who fails to comply with the conditions thereof, any order of the Superintendent or of these regulations, may be cancelled by the Superintendent.

Diseased Livestock

12. (1) The Superintendent may order the holder of a permit to remove from the Park livestock which in his opinion has a disease which he believes to be infectious or dangerous to other livestock or wild animals.

(2) If the holder of a permit fails to remove such livestock or if the holder of a permit cannot be located or found and if such livestock has been examined by a fully qualified veterinarian and certified by him to be infected with a disease dangerous to other livestock or wild animals, the Superintendent may order the removal or destruction of the diseased livestock.

(3) The holder of a permit is liable for the cost of the removal or destruction of all diseased livestock belonging to him that have been certified by a veterinarian to be infected with a disease dangerous to other livestock and wild animals.

Impounding of Livestock

13. Any livestock for which a permit has not been issued, or any pig, sheep or goat found in a Park may be impounded by the Superintendent or any Park Warden.

National Parks Act—continued

14. The Superintendent may authorize any person to act as pound-keeper.

15. (1) When livestock or any pigs, sheep or goats are impounded, the Superintendent shall, immediately after the impounding and before any sale thereof, post in his office, the post office and other public places, a notice describing the livestock or other animals impounded, including the age, as nearly as possible, sex, colour, and brand or any mark of identification.

(2) A copy of such notice shall be mailed to the person believed to be the owner of such livestock or other animals.

16. (1) Where the impounded livestock or animals are not claimed within ten days after publication of the notice prescribed in section 15, the Superintendent shall give not less than ten days notice that he proposes to sell such impounded livestock at public auction.

(2) Copies of such notice of sale shall be posted in the office of the Superintendent and other places designated by the Superintendent.

17. (1) After the expiry of ten days from the posting of such notice the impounded animals may be sold at public auction.

(2) The proceeds of such sale, after paying the cost of impounding, maintenance and sale, may be paid by the Superintendent to the former owner of the livestock upon such owner filing a statutory declaration with the Superintendent that he was the owner of the livestock or animals sold.

18. The fees payable in respect of any livestock or animal impounded are as follows:

(a) For rounding up and impounding each horse or head of cattle or other animal	\$5.00
(b) For the care and sustenance of	
Each horse per day	\$1.00
Each head of cattle per day	\$0.75
Each pig, sheep or goat per day	\$0.50

General

19. (1) No permit shall be granted for any livestock which may be a danger or menace to the public.

(2) The Superintendent may order the owner of any livestock found to be a danger or menace to the public to remove such livestock from the Park.

(3) The Superintendent may impound any such livestock if the owner fails to remove it from the Park within seven days.

20. (1) The fees payable for a permit to graze livestock in a Park are as follows:

(a) For each horse owned by a person licenced to operate a livery in a Park per month or fraction thereof	25c
(b) For each horse not owned by a person licenced to operate a livery in a Park per month or fraction thereof	50c
(c) For each head of cattle per month	25c

(2) Subsection (1) does not apply to any livestock under the age of six months when the accompanying livestock is covered by a permit.

National Parks Act—continued

(3) A fee of \$1.00 shall be payable for each permit issued.

(4) Each permit shall expire on the date specified in the permit, but if no date is specified in the permit on the 30th day of November following the date of issue.

21. (1) Upon the expiration or cancellation of a permit, the owner shall be allowed seven days within which to remove his livestock from the Park.

(2) If the owner of the livestock fails to remove his livestock within the period of seven days the Superintendent or any Park Warden may impound such livestock.

22. (1) The carcass of any livestock dying within a Park other than those slaughtered for food, shall be removed immediately from the Park or buried by the owner.

(2) The carcass of any livestock dying of an infectious disease shall be burned by the owner under the supervision of the Superintendent or a Park Warden.

12. Wood Buffalo Park Game Regulations

P.C. 1954-1739

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the National Parks Act, is pleased to order as follows:

1. The Regulations respecting the preservation of game in Wood Buffalo National Park, established by Order in Council P.C. 5588 of 3rd November, 1949, as amended, are hereby revoked; and

2. The annexed "Regulations respecting the preservation of game in Wood Buffalo National Park" are hereby made and established in substitution for the Regulations hereby revoked.

REGULATIONS RESPECTING THE PRESERVATION OF GAME IN
WOOD BUFFALO NATIONAL PARK

SHORT TITLE

1. These regulations may be cited as the *Wood Buffalo Park Game Regulations*.

PART I—INTERPRETATION AND APPLICATION

2. (1) In these regulations,

(a) "big game" means bison (Buffalo), musk-ox, mountain sheep, mountain goat, any member of the deer family whether known as caribou, moose, deer or otherwise, bear, and any other animal declared by the Minister to be big game;

National Parks Act—*continued*

- (b) "certificate of registration" means a valid and subsisting certificate of registration for a trapping area, issued under these regulations;
- (c) "fur-bearing animal" includes beaver, coyote, fisher, fox, lynx, marten, mink, muskrat, otter, skunk, squirrel, weasel or ermine, wolverine and wolf;
- (d) "game" means big game, fur-bearing animals and game birds and the head, skin or other parts thereof;
- (e) "game bird" includes a bird of any species of the following groups: *Anatidae*, commonly known as ducks, geese and swans; *Gruidae*, commonly known as cranes; *Rallidae*, commonly known as rails and coots; *Charadrii*, commonly known as plovers, turnstones, snipe, sandpipers, curlews, yellow-legs, knots, dowitchers, godwits, sanderlings and phalaropes; *Tetraonidae*, commonly known as grouse, partridge, ptarmigan and prairie chicken;
- (f) "general hunting licence" means a valid and subsisting general hunting licence issued under these regulations;
- (g) "hunting" includes following after or on the trail of game, or lying in wait for the purpose of taking game; chasing, pursuing, worrying, stalking, trapping, attempting to trap or shoot at game whether or not the game is then or subsequently captured, killed or injured;
- (h) "Indian" means a person who is defined as such in the Indian Act, and includes the Indian wife of a person other than an Indian who has been deserted by or divorced from that person or has become the widow of that person;
- (i) "licence" means a valid and subsisting licence issued under these regulations;
- (j) "licence year" means the period from the first day of July to the thirtieth day of June in the year following;
- (k) "Minister" means the Minister of Northern Affairs and National Resources;
- (l) "open season" with respect to any kind of game means the period during which that kind of game may be hunted or taken;
- (m) "Park warden" means any official appointed under the provisions of the Civil Service Act, whose duties include the enforcement of regulations for the protection of forests and game;
- (n) "prescribed" means prescribed by or under these regulations;
- (o) "Superintendent" means the Superintendent of Wood Buffalo National Park; and
- (p) "trapping area" means an area or location defined and registered under these regulations for the taking of fur-bearing animals.

(2) Where a period is expressed in these regulations or in any Schedule hereto to be a period from one day to another, the period shall be reckoned inclusively of the first and last days so expressed.

Application

3. These regulations

- (a) apply only in Wood Buffalo National Park; and
- (b) are subject to the provisions of the Migratory Birds Convention Act and regulations thereunder.

National Parks Act—*continued**Exemption*

4. Nothing in these regulations shall be construed to prohibit a person who holds a licence or permit under the Migratory Birds Convention Act or regulations thereunder from hunting game birds or taking eggs or nests in accordance with that licence or permit.

PART II—GENERAL PROHIBITIONS AND RESTRICTIONS

Licence to Hunt Game and to Take Eggs and Nests

5. Unless authorized by these regulations, or by a licence issued to him, no person shall

- (a) hunt game;
- (b) wilfully disturb, injure, molest, destroy, or take the eggs or nest of a bird protected by these regulations; or
- (c) hunt game except during an open season for that game and in the area to which that open season extends.

Bag Limit

6. No person shall take or kill

- (a) in any day more than ten grouse; or
- (b) in any open season more than fifty grouse.

Possession

7. No person shall have in his possession game taken or killed in violation of the provisions of these regulations.

Contracts to Hunt

8. No person shall employ or enter into a contract or agreement with another person to hunt, kill or take game or to take any egg or nest or part thereof contrary to the provisions of these regulations.

Use of Dogs in Hunting

9. No person shall use a dog for the purpose of hunting game, but a dog may be used to retrieve game birds that have been lawfully killed.

Firearms

10. (1) No person shall

- (a) use a rifle of less than .25 calibre for the purpose of hunting big game;
- (b) use a rifle loaded with a cartridge having a bullet weight of less than 100 grains; or
- (c) hunt muskrats with a shotgun.

(2) No person shall, for hunting game use or employ,

- (a) in the case of firearms other than shotguns any firearm loaded by recoil or so-called auto-loading or any automatic firearms; or
- (b) in the case of shotguns, any pump or automatic shotgun unless, either as manufactured or by the permanent plugging or alteration of the magazine, it has a capacity of not more than three shells in the magazine and chamber combined.

National Parks Act—continued

Snares

11. (1) No person shall set out, use or employ a snare for the destruction of game other than rabbits, hares or squirrels.

(2) No person shall set out, use or employ a snare which is constructed of wire heavier than No. 22 gauge.

Traps

12. Except as authorized by these regulations, no person shall remove, molest, spring, or in any way interfere with traps set by another person for the taking of fur-bearing animals.

Removal and Setting of Traps

13. (1) A person who uses traps or other contrivances for hunting game shall remove or spring the traps on or before the last day of the open season.

(2) No person shall

(a) except during the open season, set or reset a trap or contrivance used in connection with the hunting of game; or

(b) set traps or other contrivances for coyotes, wolves or wolverine during the period from the first day of April to the thirty-first day of October in any year.

Aircraft

14. No person shall carry on hunting operations by the use or aid of aircraft unless authorized in writing by the Superintendent to do so.

Meat of Game

15. (1) No person shall

(a) sell or offer for sale the meat of game;

(b) use as bait in hunting operations the meat of big game or birds fit for human consumption; or

(c) feed to dogs, other domestic animals, captive fur-bearing animals or birds any flesh of a caribou or moose fit for human consumption.

(2) The meat of caribou and moose, lawfully killed in the open season, may be had in possession and used for food at any time.

Abandonment of Game

16. No person who has killed game shall wilfully

(a) abandon any portion of the flesh thereof, suitable for human food;

(b) allow any portion of the flesh thereof, suitable for human food, to be destroyed or spoilt; or

(c) allow the pelt of a fur-bearing animal in his possession to become deteriorated, spoilt or destroyed.

Mutilation of Game

17. No person shall deal with any big game animal or any part thereof in such a way as to destroy the distinctive evidence of the sex thereof until such time as the said big animal or all the parts thereof have been conveyed

National Parks Act—continued

to the place of residence of the captor, and no person shall have in his possession, at any time before the transportation thereof has been completed, any big game animal or any part or parts thereof which has been dealt with in contravention of the provisions of this section.

Moose

18. (1) No person shall hunt a moose of the female sex.
- (2) No person shall hunt a moose under one year of age.
- (3) No person shall take or kill more than one male moose in a licence year.

Coyotes, Wolves and Wolverine

19. A person who holds a general hunting licence may shoot coyotes, wolves and wolverine at any time.

Poison

20. (1) No person shall use poison for the purpose of taking or killing game, or have in his possession when engaged in hunting operations poison that may be used for that purpose.

- (2) Subsection (1) does not apply to
 - (a) a person who has been authorized by the Minister to use poison for the killing of predatory animals; or
 - (b) a scientist who has been authorized by the Minister to take specimens of game and to use poison for the preservation of such specimens.

PART III—HUNTING OR KILLING BEAVER OR MARTEN*Beaver House or Beaver Dam*

21. No person shall cut, spear, break, destroy or interfere with a beaver house or a beaver dam.

Beaver May be Hunted

22. (1) Beaver may, in accordance with this section, be hunted during the open season by the holder of a licence issued under this section.

(2) The holder of a certificate of registration who produces evidence satisfactory to a game officer that there are three or more occupied beaver lodges established on his trapping area may be issued a licence to take one beaver for each occupied beaver lodge on his trapping area.

(3) The holder of a certificate of registration who produces evidence satisfactory to a game officer that his trapping area will not support three beaver lodges may be issued a licence to take one beaver for each occupied beaver lodge on his trapping area.

(4) Where the leader of a group to whom a certificate of registration has been issued produces evidence satisfactory to a game officer that there are three or more occupied beaver lodges established on the trapping area, each member of the group may be issued a licence to take his proper share of the total number of beaver that may be taken by that group, but the total number of beaver that may be taken from that trapping area shall not exceed the number of occupied beaver lodges on that trapping area.

National Parks Act—continued

Marten May be Hunted

23. (1) Marten may, in accordance with this section, be hunted during the open season by the holder of a licence issued under this section.

(2) A licence to take two marten may be issued to any person who holds a certificate of registration.

PART IV—LICENCES AND CERTIFICATES

Issue of Licences and Certificates of Registration

24. The licences and certificates of registration that may be issued under these regulations are as follows:

- (a) a general hunting licence under section 31;
- (b) a scientific licence under section 32;
- (c) a certificate of registration for a trapping area under section 33;
- (d) a licence under section 22 to hunt beaver;
- (e) a licence under section 23 to hunt marten;
- (f) a licence under section 49 to establish, operate or maintain a trading post or an outpost; and
- (g) a licence under section 50 to trade and traffic.

Application

25. (1) An application for a licence or certificate of registration shall be made to a Park Warden or to the Superintendent on a prescribed form accompanied by the fee set out in Schedule "B".

(2) No licence or certificate of registration is valid unless the signature of the person to whom the licence or certificate of registration is issued is endorsed thereon, and in the case of a person signing by mark, such mark shall be witnessed.

(3) Except where otherwise provided by these regulations a licence or certificate of registration may be issued and signed by a Park warden, and shall be in the prescribed form.

Inspection

26. Upon the request of a Park warden a person shall submit for inspection by such Park warden any licence or certificate of registration issued to him.

Expiry

27. (1) Unless sooner cancelled each licence, other than a trading post or outpost licence issued under section 49, expires on the expiry date mentioned in the licence, or if no expiry date is mentioned, on the thirtieth day of June next following its date of issue.

(2) Unless sooner cancelled, each certificate of registration expires five years from the first day of July in the licence year in which it was issued.

Transfer Prohibited

28. (1) No licence or certificate of registration shall be sold, transferred or assigned without the consent in writing of the Minister.

(2) No person shall knowingly allow his licence or certificate of registration to be used by another person.

National Parks Act—continued

(3) No person shall knowingly use the licence or certificate of registration of another person.

Return of Licence and Report

29. (1) Subject to subsection (2), every person to whom a licence has been issued shall, within fifteen days following the expiry date of the licence, return the licence to a Park warden with an affidavit duly sworn setting forth the number and kind of game killed, trapped, taken, traded or trafficked in under its authority.

(2) Where a licensee is unable to return his licence to a Park warden he shall, within fifteen days following the expiry date of the licence, forward to a Park warden his affidavit setting forth the number and kind of game killed, trapped, taken, traded or trafficked in during the period covered by the licence.

Cancellation

30. A licence or certificate of registration issued under these regulations and held by a person convicted of an offence under these regulations shall upon such conviction be deemed to be cancelled, and shall forthwith be forwarded to the Superintendent.

PART V—GENERAL HUNTING LICENCES

31. A general hunting licence may be issued to

- (a) a person who prior to the date on which these regulations come into force held a licence to hunt and trap in the Park;
- (b) a son over sixteen years of age of a deceased person who prior to his death held a licence to hunt in the Park;
- (c) the widow of a deceased person who prior to his death held a licence to hunt in the Park; or
- (d) a son over sixteen years of age of a person who holds a licence issued under this section.

PART VI—SCIENTIFIC LICENCES

32. (1) The Minister or a person authorized by him may issue a licence which shall entitle the holder thereof

- (a) to take any game or any non-migratory birds or their eggs or nests for scientific purposes; or
- (b) to take live game for a park or zoological garden under public ownership.

(2) A licence under subsection (1) may be issued only upon application therefor by

- (a) a museum, a scientific society or a university of recognized standing;
- (b) a person whose application is accompanied by written testimonials from two scientists of recognized standing;
- (c) a department of the Government of Canada or of the government of a province of Canada;

National Parks Act—continued

- (d) a department of the Government of the United States or of the government of a state in the United States; or
- (e) a department of the government of a country other than Canada or the United States.

(3) The licence shall state the name, address and calling of the person to whom it is issued and the number of specimens of each species that may be taken.

(4) Before taking any game or eggs the holder of a licence issued under this section shall report to the Superintendent, who shall specify the part of the Park in which the holder may take specimens of game or eggs and who shall also notify the holder or holders of any certificate of registration for a trapping area whose trapping areas are located within or partly within such part of the Park.

PART VII—REGISTRATION OF TRAPPING AREAS

General Qualifications

33. The Minister or a person designated by him may issue a certificate of registration for a trapping area to any person who is the holder of a general hunting licence.

Certificate of Registration

34. No person shall, within a trapping area, hunt fur-bearing animals or set traps, snares or other trapping equipment, or skin or prepare or assist in the skinning or preparation of pelts for sale, unless

- (a) he holds or is a dependent of a person who holds a certificate of registration for that area;
- (b) he is a member of a group of persons holding a certificate of registration for that trapping area or a dependent of such member;
- (c) he holds a licence issued under section 32 authorizing him to take specimens of fur-bearing animals and has obtained the consent of the holder of the certificate of registration for that area to take such fur-bearing animals in that area; or
- (d) he is employed with the consent of the Superintendent by a person named in a certificate of registration for a trapping area to assist in hunting in that area and also holds a general hunting licence, but such consent may be issued only upon evidence satisfactory to the Superintendent that the employer cannot obtain an adequate livelihood without assistance.

Issue to Group

35. (1) A certificate of registration for a trapping area may be issued to a group of two or more persons if each of them is the holder of a general hunting licence.

(2) The certificate of registration for the trapping area shall be issued in the name of the leader of the group.

(3) The leader of the group holding a certificate of registration for a trapping area shall furnish such returns and information respecting wild-life and hunting operations as the Superintendent may require.

National Parks Act—continued*Application for Certificate of Registration*

36. An application for a certificate of registration shall be made to a Park warden and shall contain the following information:

- (a) the full name of the applicant;
- (b) the age of the applicant on his last birthday;
- (c) the full address of the applicant;
- (d) whether the applicant is an Indian;
- (e) the occupation of the applicant other than trapping;
- (f) the length of his residence in the Park;
- (g) the period of time during which he has hunted within the trapping area applied for;
- (h) a full description of the trapping area, clearly indicating its extent and boundaries and including a sketch map of the area prepared in consultation with a Park warden;
- (i) full particulars of the marks or signs to be used to denote the boundaries of the trapping area;
- (j) full particulars of the identification mark with which the applicant proposes to mark his traps within the trapping area;
- (k) the names of persons whose trapping areas adjoin the area desired by the applicant; and
- (l) where the application is on behalf of a group, the names of all the members of the group.

Effects of Certificate of Registration

37. (1) Subject to Part VI, a certificate of registration for a trapping area reserves to the person to whom it is issued, his dependents and employees if any or, in the case of a certificate of registration issued to the leader of a group, to the persons of the group, the sole and exclusive right and privilege of hunting fur-bearing animals within the area described in the certificate of registration.

(2) The holder of a certificate of registration for a trapping area shall not hunt fur-bearing animals outside that trapping area without first having the permission of a Park warden endorsed on his general hunting licence.

38. Notwithstanding the provisions of Part VIII, the holder of a certificate of registration for a trapping area may, without a licence,

- (a) have in his own possession at any time the skins or pelts of game lawfully trapped or killed by him; and
- (b) sell, trade or remove from the Park the skins or pelts of game lawfully trapped or killed by him.

39. (1) Subject to the provisions of subsection (2), the holder of a general hunting licence may hunt game other than fur-bearing animals over trapping areas during the open season for such game.

(2) No holder of a general hunting licence shall hunt over a trapping area other than his own trapping area during the open season for muskrats in the months of March, April and May.

National Parks Act—continued

Traps

40. (1) No person shall set traps, snares or other trapping equipment on a trapping area in respect of which another person holds a certificate of registration unless he is authorized to do so by these regulations.

(2) Subject to the rights of the holder of a licence issued under the provisions of section 32, the holder of a certificate of registration for a trapping area, or any member of his immediate family who discovers traps, snares or trapping equipment other than his own within his trapping area, may remove them, and if he removes them he shall deliver them to a Park warden.

Cancellation

41. The Minister may cancel a certificate of registration where, in his opinion, the holder thereof, without reasonable excuse, did not actively engage in hunting fur-bearing animals on his trapping area during the open season in any year that the certificate was in force.

Renewals

42. The holder of a certificate of registration may, within six months immediately preceding the date on which the certificate will expire, apply for a certificate of registration for a further period and, if the Superintendent is satisfied that the holder has complied with the provisions of these regulations, he is entitled to such certificate in priority to all other applicants for the area.

43. Where the holder of a certificate of registration fails within sixty days next following the date of expiry to apply for a certificate of registration for a further period, he is not entitled to any priority with respect to the issue of that certificate.

Disputes

44. (1) A Park warden has the power to settle any dispute in connection with registered trapping areas.

(2) An appeal lies from the decision of the Park warden to the Superintendent.

(3) Notice of appeal shall be given within thirty days from the day upon which the decision appealed from is pronounced or given, or within such further time as the Park warden may allow and, after service upon the opposite party, shall be filed with the Park warden.

(4) At the time of filing notice of appeal, the appellant shall deposit with the Park warden such sum of money or security therefor as security for costs of the appeal as the Park warden may consider necessary.

(5) Upon receipt of notice of appeal and deposit of security for costs, if any, the Park warden shall forthwith transfer the complaint, evidence and other proceedings to the Superintendent.

(6) The Superintendent shall fix the time of hearing at as early a date as may, in his opinion, be convenient to all parties.

(7) The decision of the Superintendent is final.

Reports

45. (1) On or before the thirtieth day of June in any year that a certificate of registration is in force, the holder thereof shall submit to a

National Parks Act—continued

Park warden a true and complete report on a prescribed form showing the number and kinds of game taken on that area during that licence year.

(2) Every holder of a certificate of registration for a trapping area shall, when required by a Park warden, submit to the Park warden a report giving the number and location of occupied beaver lodges in the area.

Identification Markings

46. (1) Every holder of a certificate of registration shall blaze clearly the boundaries of his trapping area or otherwise mark them to the satisfaction of a Park warden.

(2) Whenever practicable, wooden posts, stone mounds or outstanding topographical features shall be used to denote the boundaries of a trapping area in respect of which a certificate of registration has been issued.

47. Every holder of a certificate of registration shall suitably mark all traps used by him in his trapping area with a steel die, luminous paint or other distinctive identification mark that has first been approved and recorded by a Park warden.

Improvements

48. The holder of a certificate of registration for a trapping area may remove, sell, transfer or assign any moveable improvements made and used by him on the trapping area.

PART VIII—TRADING AND TRAFFICKING IN GAME*Trading and Trafficking Licence*

49. (1) No person shall establish, operate or maintain a trading post in that area north of the Peace River.

(2) No person shall establish, operate or maintain a trading post in that area south of the Peace River unless such person was carrying on the business of trading and trafficking in game in that area before the 24th day of September, 1926.

50. No person shall, either by himself, his clerk, servant or agent, buy, sell, deal, exchange, barter, solicit or traffic in the skin, pelt or part thereof of any fur-bearing animal or conduct a sale or purchase of the skin, pelt or part thereof without first having obtained a licence authorizing him to do so.

51. (1) A separate licence shall be obtained in respect of each trading post.

(2) Every trading post shall be operated in accordance with the terms and conditions stipulated in the licence.

(3) A trading post in respect of which a licence is issued shall be operated for at least eight months of each licence year.

(4) A licence to trade and traffic in game may be issued to a Canadian citizen only.

(5) A licence to trade or traffic in game authorizes the person to whom it is issued to trade or traffic only at the trading post described in the licence.

National Parks Act—continued

(6) The holder of a licence to trade or traffic in game has the right to trade or traffic in the pelts and skins of game lawfully killed, taken or possessed.

Employees

52. (1) No person except a Canadian citizen shall be employed to assist a person to whom a licence to trade and traffic in game has been issued.

(2) A person employed to assist the holder of a licence to trade and traffic in game does not require a licence unless he engages in trading or trafficking in game on his own account.

Duties

53. Every person who trades or traffics in game shall

- (a) furnish each customer with a record of each sale and purchase, setting forth the number and kinds of skins and pelts of game traded and the value exchanged or credited therefor;
- (b) furnish an itemized statement of any customer's account when requested to do so by the customer or by a Park warden or by an authorized representative of the Minister;
- (c) keep proper books of account;
- (d) permit such books of account and his records to be examined by any person authorized by the Minister for that purpose; and
- (e) display in a prominent manner on each article or group of articles kept for sale the individual selling price of such articles or group of articles.

PART IX—POWERS OF THE MINISTER

54. The Minister may

- (a) prescribe forms of licences, certificates of registration, applications, and other forms for the purposes of these regulations;
- (b) cancel, suspend, or refuse to issue a licence or certificate of registration for any cause that to him seems sufficient;
- (c) reinstate a cancelled licence or certificate of registration upon such terms as he may deem sufficient;
- (d) fix or vary at any time the boundaries of any trapping area in respect of which a certificate of registration has been issued;
- (e) require a person to whom a certificate of registration has been issued to take action for the control of predatory animals on his trapping area;
- (f) prohibit trapping over the whole or any part of a trapping area or limit the number and kinds of game to be taken therefrom; and
- (g) change the period of open season for muskrats and beaver when unusual climatic conditions prevail and such changes are deemed necessary by him after investigation by the field officers.

Schedule "A"

OPEN SEASONS

- | | |
|--------------------|---|
| 1. Beaver | From the first day of November to the thirtieth day of April following; |
| 2. Bison (Buffalo) | No open season; |

National Parks Act—continued

3. Caribou, Barren-ground	From the sixteenth day of September to the last day of February following;
4. Caribou, Woodland	No open season;
5. Deer, Mule	No open season;
6. Fisher	No open season;
7. Fox, coloured	From the first day of November to the thirty-first day of January following;
8. Lynx	From the first day of November to the fifteenth day of February following;
9. Marten	From the first day of November to the last day of February following;
10. Mink	From the first day of November to the last day of February following;
11. Moose	From the first day of August to the thirty-first day of March following;
12. Muskrat	
(a) South of the 60th degree of North latitude	(i) from the first day of March to the tenth day of May following; (ii) from the sixteenth day of November to the fifteenth day of December following;
(b) North of the 60th degree of North latitude	(i) from the first day of March to the twentieth day of May following; (ii) from the sixteenth day of November to the fifteenth day of December following;
13. Otter	From the first day of November to the last day of February following;
14. Squirrel	From the first day of November to the tenth day of March following;
15. Wapiti or Elk	No open season;
16. Weasel or Ermine	From the first day of November to the last day of February following;
17. Cranes, Wild Swans and White Pelicans	No open season;
18. Grouse (all species)	From the first day of September to the thirtieth day of April following;
19. Ptarmigan	From the first day of November to the thirtieth day of April following.

Schedule "B"

FEES FOR LICENCES AND CERTIFICATES

1. For a general hunting licence—section 31—	
If issued to an Indian	Free
If issued to any other person	\$5.00
2. For a scientific licence—section 32	Free

National Parks Act—continued

3. For a certificate of registration for a trapping area—section 33—or renewal thereof—section 42—
If issued to an Indian or to a group of Indians Free
If issued to any other person or to a group of two or more such persons\$10 per person
4. For a licence to hunt beaver—section 22 Free
5. For a licence to hunt marten—section 23 Free
6. For a trading and trafficking licence—section 50 \$10.00

NOTE:

1. The penalties for offences against the provisions of these regulations are set forth in the National Parks Act and regulations thereunder.
2. Under the Migratory Birds Convention Act and regulations thereunder an open season from September 1st to October 15th for Ducks, Geese (other than Ross's Goose and White-bellied Brant), Black Brant, Rails and Coots is provided. There are no open seasons for other migratory birds.

13. National Parks Forest Telephone Regulations

P.C. 1954-1803

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the National Parks Act, is pleased to order as follows:

1. The Regulations governing the operation and management of telephone systems in the National Parks of Canada, established by Order in Council P.C. 5590 of 3rd November, 1949, are hereby revoked; and
2. The annexed "Regulations governing the commercial use of Forest Telephone Lines in the National Parks of Canada" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING THE COMMERCIAL USE OF FOREST TELEPHONE
LINES IN THE NATIONAL PARKS OF CANADA

1. These regulations may be cited as the *National Parks Forest Telephone Regulations*.
2. In these regulations,
 - (a) "Department" means the Department of Northern Affairs and National Resources;
 - (b) "Director" means the Director of the National Parks Branch;
 - (c) "Park" means any National Park;

National Parks Act—continued

- (d) "subscriber" means any person who has made application for and on whose premises telephone equipment has been installed; and
- (e) "Superintendent" means the Superintendent of a Park and includes any person authorized to act for or in the name of the Superintendent.

3. No person shall use any Park forest telephone except in accordance with these regulations.

4. (1) Application for a connection to a Park forest telephone line shall be made in writing to the Superintendent.

(2) The applicant shall state in his application the purpose for which the telephone service is desired and the premises in which the equipment is to be installed.

5. Telephone service may be supplied under the following conditions:

- (a) to business premises licensed by the Superintendent where no other satisfactory method of communication is available;
- (b) where, in the opinion of the Superintendent, telephone communication is essential for the operation of such business;
- (c) where, in the opinion of the Superintendent, the extension involved will not seriously affect existing telephone service over the main forest line;
- (d) where, in the opinion of the Superintendent, such telephone communication over a Park forest line is in the public interest;
- (e) during such hours of each day as the Superintendent may direct; and
- (f) where equipment and materials are available.

6. No installation will be made to any business premises which is located within two miles of the limits of a townsite which is served by a separate commercial telephone system.

7. Each subscriber shall pay,

- (a) the cost of repairing all breakages or damage to telephone equipment installed on his premises not due to ordinary wear and tear;
- (b) all charges payable under these regulations following connection to a forest telephone line and until such time as the line is disconnected by the Superintendent;
- (c) the charges on all calls originating from the telephone or telephones installed on his premises; and
- (d) all expenses incurred in making a telephone connection from the forest telephone line to the premises of the subscriber except the cost of the instruments.

8. The Superintendent may, in his discretion, refuse telephone service to any applicant or discontinue any existing service and the subscriber shall have no claim as a result of the discontinuance of his telephone service.

9. No call will be accepted which extends beyond the limits of the forest telephone lines or the townsites of Banff, Lake Louise, Jasper, Waterton Lakes Park or Field.

10. Calls made by any employee of the Department shall have priority on the forest telephone system over all other calls.

National Parks Act—continued

11. All poles, lines and other equipment shall remain the property of the Department.

12. (1) The rates payable for telephone service installed in accordance with these regulations are those listed in the Schedule hereto.

(2) Where telephone service has been provided and it is not possible for the Superintendent to record all individual telephone calls, a flat rate commensurate with the circumstances in each case may be fixed by the Director, but in all other respects such telephone service shall be subject to the provisions of these regulations.

13. (1) All rates and other charges are payable monthly on demand and if not paid within fifteen days service may be discontinued by the Superintendent.

(2) If after thirty days the rates and other charges remain unpaid the line and equipment may be removed by the Superintendent.

(3) The costs of re-installation shall be paid by the subscriber together with all charges in arrears before any service is re-installed.

14. Bills submitted to subscribers covering toll charges will show total amounts for each period only.

Schedule of Charges
National Parks Forest Telephone Lines

1. Rates covering toll calls

Mileage	First three Minutes	Each additional Minute
	cts.	cts.
1- 12	10	5
13- 19	15	5
20- 26	20	5
27- 33	25	5
34- 40	30	5
41- 47	35	5
48- 53	40	5
54- 60	45	10
61- 67	50	10
68- 73	55	10
74- 80	60	15
81- 87	65	15
88- 93	70	15
94-100	75	20
101-120	80	20

2. Service charges

A service charge of \$2.00 a month or fraction thereof is payable by each subscriber during each period he is connected to the forest telephone line.

National Parks Act—*continued***14. National Parks Business Regulations**

P.C. 1954-1845

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the National Parks Act, is pleased to order as follows:

1. The Regulations governing the licensing of businesses, callings, trades or occupations within the National Parks of Canada, established by Order in Council P.C. 2773 of 14th May, 1952, are hereby revoked; and
2. The annexed "Regulations governing the licensing of businesses, callings, trades or occupations within the National Parks of Canada", are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING THE LICENSING OF BUSINESSES, CALLINGS, TRADES
OR OCCUPATIONS WITHIN THE NATIONAL PARKS OF CANADA

1. These regulations may be cited as the *National Parks Business Regulations*.
2. In these regulations,
 - (a) "business" includes trade, calling, industry, employment and occupation;
 - (b) "Director" means the Director of the National Parks Branch;
 - (c) "hotels" means a building or group of buildings wherein accommodation without private cooking facilities is provided for transient lodgers, having a public office where an attendant is present at all times, and having a public dining room or cafe;
 - (d) "Minister" means the Minister of Northern Affairs and National Resources;
 - (e) "Parks" means any National Park;
 - (f) "person" includes a partnership;
 - (g) "resident" means a person who has resided in a park for more than six months;
 - (h) "season" means that portion of a year from April 1st to October 31st inclusive;
 - (i) "Superintendent" means the Superintendent of a park and includes any person authorized to act for and in the name of the Superintendent; and
 - (j) "year" means the twelve-month period commencing April 1st in any year to March 31st of the year following.

National Parks Act—continued

3. No person shall within a Park carry on or be engaged in any business listed or described in these regulations or the Schedule hereto unless and until he shall have procured a licence so to do from the Superintendent.

4. The Superintendent shall issue all such licences.

5. No rebate shall be allowed or granted to any licensee or his assigns in respect of the forfeiture of a licence or on account of the non-user of the rights and privileges thereby granted or for any other cause.

6. (1) An application for a licence shall be made by the applicant in person or by his agent duly authorized in writing at the office of the Superintendent and on a form to be furnished by the Superintendent.

(2) The applicant shall specify in his application for a licence the premises in or on which he proposes to carry on or engage in a business in respect of which the licence is applied for.

(3) Each licence shall be good only for the premises designated in the licence.

(4) The Superintendent, in his discretion, may by endorsement on the licence stipulate any condition under which the licence is issued.

(5) The Superintendent may revoke any licence if the licensee fails to observe, fulfill, or abide by any of the terms, conditions or stipulations of his licence or of these regulations.

7. (1) No licence within a Park shall be transferred except to a person who at the same time purchases the business.

(2) All transfers of licences shall be subject to the approval of the Superintendent and to the payment of the fee of one dollar.

8. All buildings, premises and equipment to be used by the licensee in connection with his business shall be maintained in a condition satisfactory to the Superintendent.

9. The licensee shall permit the Superintendent, any police officer or other person authorized by the Superintendent to inspect at all reasonable times the premises used by him in connection with his business.

10. The licensee shall post his licence in a conspicuous place on the premises in which he is carrying on his business and shall produce the same upon request of the Superintendent, any police officer or other person duly authorized by the Superintendent to inspect such premises.

11. (1) Where a licence number or badge is issued by the Superintendent in connection with any licence, such licence number or badge shall be worn or displayed as directed by the Superintendent.

(2) No person shall wear or display any such licence number or badge unless he is the holder of the licence in connection with which such licence number or badge was issued.

12. The Director may fix the hours of the day during which any licensee may carry on his business.

13. Any licence issued for a livery in Banff, Jasper, Yoho or Kootenay National Parks shall be effective in all the said Parks.

National Parks Act—continued

14. Before issuing a licence for any business the Superintendent may require the applicant to procure a certificate from a Medical Health Officer or a Sanitary Inspector, or both, certifying that the building or premises in which the business is to be carried on is satisfactory in all details and complies with all the requirements of the Parks regulations, and that the applicant is a fit and proper person to be granted a licence for the business for which a licence is applied for.

15. The Superintendent may in his discretion require an applicant for a licence to furnish

- (a) a statutory declaration from a reputable person that the applicant is a fit and proper person to be granted a licence, or
- (b) a bond in the penal sum of five hundred dollars to Her Majesty, in right of Canada, with two sufficient sureties conditioned upon the applicant, his employees and servants carrying out the Parks regulations and the terms, conditions and stipulations of any licence to be issued to him.

16. The Superintendent may, in his discretion, require any licensee to post in a conspicuous place on his business premises, the rates or charges for services rendered or the price of any commodity for sale.

17. (1) The Superintendent may, for any reason which he considers sufficient in the interests of the Park, refuse a licence for any business.

(2) In case of such refusal the applicant may appeal to the Minister, and if the Minister is satisfied that the Superintendent was not justified in refusing the application, he may order the Superintendent to grant a licence to the applicant.

18. (1) The maximum rates to be charged for tourist accommodation in the Parks shall be those approved by the Director.

(2) Each person licensed to provide tourist accommodation shall display in his rooms, cabins or lodges, as the Superintendent may direct, printed cards or notices indicating the maximum rates payable for such accommodation.

(3) No person shall charge for tourist accommodation, a rate in excess of that approved by the Director.

19. (1) Subject to subsection (2) and section 20, the fee payable by any person for a licence to carry on or engage in a business listed in the Schedule hereto in any Park is the amount for that business set out in column 1 of the Schedule.

(2) The fee payable by any person for a licence to be issued after October 31st in any year is one-half of the fee for a licence for such business issued before that date, but in no case shall the fee be less than one dollar.

(3) A licence issued under subsection (1) or (2) unless expressed to be granted for a shorter period expires on the 31st day of March following the date of issue.

20. (1) The fee payable by any person for a licence to carry on or engage in a business listed in the Schedule hereto in a Park in which that business may be carried on or engaged in only during the season is the amount for that business set out in column 2 of the Schedule.

National Parks Act—continued

(2) Licences issued under subsection (1) shall be for the season and shall expire on the 31st day of October next following the date of issue.

21. (1) The fee payable by any person for a licence to carry on or engage in a business listed in this section is the amount set opposite the name of that business:

- (a) ice skating rink
 - (i) operated by a club or other organization on non-profit basis \$ 2.00
 - (ii) operated for gain 20.00
- (b) curling rink 2.00
- (c) chairlift 2.00
- (d) ski tow or ski lift 2.00
- (e) ski instructor or ski guide 2.00

(2) The fee payable by any person for a licence to carry on any contest or sporting event is as follows:

- (a) when held for private gain and an admission fee is charged, per day \$50.00
- (b) amateur contests and events sponsored by recognized clubs or organizations, per contest or event..... 10.00

22. (1) The fee payable by any person for a licence to sell intoxicating beverages in any year is as follows:

- (a) on premises other than a club having an established list of members, three per cent of the gross value of spirits and wine purchased, together with two per cent of the gross value of beer, ale or lager purchased, but the total fee shall be not less than \$75.00;
- (b) in clubs having an established list of members where the sale of beverages is restricted to members and their guests, three per cent of the gross value of spirits and wine purchased, together with two per cent of the gross value of beer, ale or lager purchased, but the total fee shall be not less than \$50.00.

(2) The fee payable by any person for a licence to sell intoxicating beverages during the period April 1st to October 31st only in any year is as follows:

- (a) on premises other than a club having an established list of members, three per cent of the gross value of spirits and wine purchased, together with two per cent of the gross value of beer, ale, or lager purchased, but the total fee shall be not less than \$40.00;
- (b) in clubs having an established list of members where the sale of beverages is restricted to members and their guests, three per cent of the gross value of spirits and wine purchased, together with two per cent of the gross value of beer, ale, or lager purchased, but the total fee shall be not less than \$30.00.

(3) The minimum fee for a licence to sell intoxicating beverages is payable upon the issue of the licence.

(4) The fees in excess of the minimum fee shall be paid monthly on the 15th day of the month, based on the purchases for the preceding month.

National Parks Act—continued

23. (1) The holder of a licence to sell intoxicating beverages shall keep a record, satisfactory to the Superintendent, of all purchases of spirits, wine, beer, ale and lager.

(2) Such record shall be available to the Superintendent on request.

24. (1) Each person who sells coal in a Park shall have each load of coal of 1,000 pounds or over sold by him weighed on scales designated by the Superintendent.

(2) The fee payable for weighing each load of coal is fifteen cents for the first ton or fraction thereof and five cents for each additional ton or fraction thereof but the maximum fee payable for weighing any load of coal shall not exceed twenty-five cents.

25. Where two or more business listed in the Schedule are carried on in the same building, each business shall for the purposes of fixing the fee for a licence, be considered a separate business.

Forms

Copies of the Schedule of Fees may be obtained on application to the Director of National Parks, Department of Northern Affairs and National Resources, Ottawa.

15. National Parks Electrical Regulations

P.C. 1954-1846

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the National Parks Act, is pleased to order as follows:

1. The Regulations governing electrical installations in the National Parks of Canada, established by Order in Council P.C. 6067 of 1st December, 1949, are hereby revoked; and

2. The annexed "Regulations governing electrical installations in the National Parks of Canada" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS COVERING ELECTRICAL INSTALLATIONS IN THE NATIONAL
PARKS OF CANADA

1. These regulations may be cited as the *National Parks Electrical Regulations*.

Interpretation

2. In these regulations,

(a) "Park" means a National Park; and

National Parks Act—continued

(b) "Superintendent" means the Superintendent of a Park and includes any person authorized to act for or in the name of the Superintendent.

3. (1) Except as provided in these regulations, the Canadian Electrical Code, Part 1, Sixth Edition 1953, copyrighted in Canada by the Canadian Standards Association, is hereby approved and adopted as the standard for all electrical installations made in a Park and such code shall form a part of these regulations as if enacted herein.

(2) In the said code, "inspection department" for the purposes of these regulations means the Superintendent of a Park.

4. (1) Subject to section 6, no person shall install, extend, alter or repair any electrical work in or upon any premises in a Park unless he has first obtained a permit therefor from the Superintendent.

(2) The fee payable for a permit under subsection (1) is twenty-five cents.

5. The fees payable for the inspection of each installation, extension, alteration or repair are those set out in the Schedule hereto.

6. (1) The Superintendent may issue an annual permit to the operator of any industrial, commercial or other establishment in which the operator employs a full-time qualified electrician or electricians and in which the nature of the business necessitates installations, extensions, alterations or repairs being made to the plant or premises at short notice.

(2) Such installations, extensions, alterations or repairs may be carried out by the operator's electrician or electricians without obtaining a permit for each such installation, extension, alteration or repair where the operator is the holder of an annual permit for the current year.

(3) Any person who is the holder of an annual permit who makes an electrical installation or extension in his establishment which involves an increase in the connected load of more than 50 K.V.A. shall obtain for each installation or extension the permit prescribed by subsection (1) of section 4.

(4) Any person who is the holder of an annual permit who makes repairs to electrical equipment having a connected load of more than 50 K.V.A. shall obtain for such repairs the permit prescribed by subsection (1) of section 4.

(5) Each establishment for which an operator holds an annual permit shall be inspected at least once a year, or more often if considered necessary by the Superintendent.

(6) The operator of such establishment shall maintain an accurate record of all installations, extensions, alterations or repairs which have been carried out in the said establishment and which have not been approved by the Superintendent.

(7) Such records shall be retained by the operator for a period of one year following an inspection and produced to the Superintendent when required.

(8) Where a person, firm or corporation has more than one business establishment, a separate annual permit shall be required for each establishment.

National Parks Act—continued

(9) The charge to be made for an annual permit is as follows:

<i>Connected Load in K.V.A.</i>	<i>Annual Permit Fee</i>
50 K.V.A. or less.. . . .	\$ 5.00
Each addition 50 K.V.A. or fraction thereof.. ..	3.00

Schedule of Inspection Fees

OUTLETS AND FIXTURES

1. For the inspection of the wiring of electrical outlets and fixtures:
- (a) for not more than two fixtures or outlets.. . . . \$.50
 - (b) for any number of fixtures or outlets not exceeding ten.. 1.00
 - (c) for each additional fixture or outlet over ten and not exceeding 100..10
 - (d) for each additional fixture or outlet over 100..05

SERVICES

2. For the inspection of a consumer's service operating at less than 750 volts:

Amperes

- (a) 60 amperes and under.. . . . \$ 1.25
- (b) over 60 amperes but not exceeding 100 amperes.. . . 1.75
- (c) over 100 amperes but not exceeding 200 amperes.. . . 2.50
- (d) over 200 amperes but not exceeding 400 amperes.. . . 3.00
- (e) over 400 amperes but not exceeding 600 amperes.. . . 5.00
- (f) over 600 amperes but not exceeding 1200 amperes.. . . 7.00
- (g) over 1200 amperes.. 9.00

PANEL-BOARDS AND DISTRIBUTION-PANELS

3. (1) For the inspection of each installation of a lighting panel-board not exceeding 200 amperes at 250 volts or less, a fee based on the number of circuits as follows:

Number of Circuits

- (a) exceeding 4 circuits but not exceeding 8 circuits.. . . \$ 1.00
- (b) exceeding 8 circuits but not exceeding 16 circuits.. . . 1.50
- (c) exceeding 16 circuits but not exceeding 24 circuits.. . . 2.00
- (d) exceeding 24 circuits but not exceeding 32 circuits.. . . 2.50
- (e) exceeding 32 circuits, \$2.50 and 10 cents for each circuit in excess of 32.

(2) For the inspection of an installation of a panel-board or over-current-device cabinet installed in a residence or in a suite of an apartment house, no fee.

(3) For the inspection of each installation of a power panel-board or distribution-panel at 750 volts or less, a fee based on capacity as follows:

National Parks Act—continued

Capacity

- (a) 200 amperes or less...\$ 2.00
- (b) exceeding 200 amperes but not exceeding 400 amperes.. 3.00
- (c) exceeding 400 amperes but not exceeding 600 amperes.. 5.00
- (d) exceeding 600 amperes but not exceeding 1200 amperes.. 7.00
- (e) exceeding 1200 amperes... 9.00

ELECTRICAL MOTORS

4. (1) For the inspection of each motor of less than 750 volts a fee based on horse-power as follows:

Horse-Power

- (a) fractional horse-power up to and including $\frac{1}{3}$ horse-power..\$.50
- (b) exceeding $\frac{1}{3}$ horse-power but not exceeding 5 horse-power.. 1.00
- (c) exceeding 5 horse-power but not exceeding 10 horse-power... 1.50
- (d) exceeding 10 horse-power but not exceeding 50 horse-power... 2.00
- (e) exceeding 50 horse-power but not exceeding 100 horse-power ... 3.00
- (f) exceeding 100 horse-power... 5.00

Voltage Over 750

(2) For the inspection of the installation of each electrical motor of more than 750 volts, a fee based on horse-power as follows:

Horse-Power

- (a) 50 horse-power or less...\$10.00
- (b) exceeding 50 horse-power but not 100 horse-power.. 12.00
- (c) exceeding 100 horse-power... 15.00

GASOLINE-DISPENSING DEVICES

Self-Contained Motor-Driven Type

5. For the inspection of the wiring and connections of
- (a) one double-unit self-contained motor-driven gasoline-pump \$2.00
 - (b) each additional double-unit pump installed by the same contractor if inspected at the same time as the first pump ... 1.50
 - (c) one single-unit self-contained motor-driven gasoline-pump 1.50
 - (d) each additional single-unit pump installed by the same contractor if inspected at the same time as the first pump 1.00
 - (e) one double-unit self-contained motor-driven gasoline-pump where inspected at the same time as other wiring installed by the contractor ... 1.50

TRANSFORMERS

6. (1) For the inspection of the installation of an air-cooled or oil-cooled transformer operating at a primary voltage of not more than 750 volts, a fee based on rated wattage as follows:

National Parks Act—continued

Wattage

(a) rated at not more than 5 kilowatts	\$ 1.00
(b) rated at more than 5 kilowatts but not more than 10 kilowatts	1.50
(c) rated at more than 10 kilowatts but not more than 20 kilowatts	2.00
(d) rated at more than 20 kilowatts but not more than 30 kilowatts	2.50
(e) rated at more than 30 kilowatts	4.00
(2) For the inspection of the installation of an air-cooled or oil-cooled transformer operating at a primary voltage of more than 750 volts, a fee based on rated wattage as follows:	

Wattage

(a) rated at not more than 10 kilowatts	\$ 2.00
(b) rated at more than 10 kilowatts but not more than 20 kilowatts	3.50
(c) rated at more than 20 kilowatts but not more than 30 kilowatts	5.00
(d) rated at more than 30 kilowatts but not more than 50 kilowatts	6.00
(e) rated at more than 50 kilowatts but not more than 100 kilowatts	7.00
(f) rated at more than 100 kilowatts but not more than 200 kilowatts	8.00
(g) rated at more than 200 kilowatts	10.00

SIGNS AND MARQUEE LIGHTING

7. (1) For the inspection of the service, feeders and other wiring for and the connection of one sign or marquee not operated by motor	\$ 1.00
(2) For the inspection of the service, feeders and other wiring for and the connection of each additional sign or marquee not operated by motor installed on the same premises by the same contractor where all the installations can be inspected at one time .....	.50

MISCELLANEOUS

8. For the inspection of any electrical installations or service of any nature whatsoever not specified herein the fee shall be based on the time spent by the inspector at the following rate:	
(a) each hour or fraction thereof	\$ 3.00

National Parks Act—continued

16. National Parks Building Regulations

P.C. 1954-1847

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the National Parks Act, is pleased to order as follows:

1. The Regulations governing the construction and maintenance of buildings in the National Parks of Canada, established by Order in Council P.C. 3441 of 19th July, 1950, as amended, are hereby revoked; and

2. The annexed "Regulations governing the construction and maintenance of buildings in the National Parks of Canada" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING THE CONSTRUCTION AND MAINTENANCE
OF BUILDINGS IN THE NATIONAL PARKS OF CANADA

1. These regulations may be cited as the *National Parks Building Regulations*.

Interpretation

2. In these regulations,

- (a) "Code" means the National Building Code;
- (b) "Department" means the Department of Northern Affairs and National Resources;
- (c) "Minister" means the Minister of Northern Affairs and National Resources;
- (d) "Park" means a National Park;
- (e) "season" means that portion of a year from April 1st to October 31st inclusive;
- (f) "street" includes a lane; and
- (g) "Superintendent" means the Superintendent of a Park and includes any person authorized to act for or in the name of the Superintendent.

3. (1) Except as provided in these regulations, the National Building Code of Canada, 1953, issued by the Associate Committee on the National Building Code, National Research Council, Ottawa (NRC No. 3188), is hereby approved and adopted as the code and standard for all buildings in a Park and such Code forms part of these regulations as if amended herein.

(2) In the said Code "Administrative Official" for the purposes of these regulations means the Superintendent of a Park.

4. Section 3.16 of part 3 of the Code does not apply in the case of any unit in a bungalow camp or motel development.

National Parks Act—continued

5. The fee for a permit to build in a Park is one dollar for each thousand dollars, or fraction thereof, of the estimated value of the building or structure to be erected.

6. (1) Any person proposing to erect or alter a building or structure in a Park shall submit plans and specifications, in triplicate, satisfactory to the Superintendent.

(2) Such plans and specifications shall indicate the proposed design and layout in sufficient detail to show the manner in which the work is to be executed.

(3) Each plan or set of plans shall be accompanied by a plan indicating the position of the proposed building and that of any existing building or buildings and the boundaries of the lot or parcel of land on which the building or structure is to be erected.

7. Plans and specifications for any building having an estimated value of more than twenty-five thousand dollars shall be prepared by an architect registered in Canada.

8. (1) No person shall make any plumbing installation, or any alteration or addition to a plumbing installation, unless he has first obtained a permit from the Superintendent.

(2) The fees payable for a permit are as follows:

- (a) for installing, altering, extending or renewing not more than one soil or other stack and not more than four fixtures \$ 2.00
- (b) for each additional stack and for each additional fixture to be installed, altered, extended or renewed25 cents

(3) No plumbing installation shall be made by any person other than a plumber licensed under the National Parks Business Regulations.

9. (1) Section 3.12 of Part 3 and section 7.B.2 of Part 7 of the Code do not apply in the case of any restaurant, dining-room or other establishment serving meals, refreshments or beverages to the public.

(2) The minimum number of plumbing fixtures for each sex to be installed in any establishment described in subsection (1) is as follows:

<i>Number of Persons</i>	<i>Number of Fixtures</i>
1 to 10	1
11 to 25	2
26 to 50	3
51 to 100	5
over 100	1 for each additional 30 persons.

10. (1) No person shall install in any building in a Park any oil-burning or gas-burning appliance which consumes commercial fuel oil, furnace oil, diesel oil or other inflammable liquid fuel or liquefied petroleum gas, unless he has first obtained a permit from the Superintendent.

(2) Subsection (1) does not apply to small stoves, grills or similar appliances used for cooking.

(3) The fee for a permit issued under this section is one dollar.

(4) A permit issued under this section is valid only for the six months immediately following the date of issue.

National Parks Act—continued

11. (1) The Superintendent may order the owner of any building, structure or fence in a Park to repair or paint any such building, structure or fence which, in the opinion of the Superintendent, requires repairing or painting.

(2) The Superintendent shall serve or cause to be served on the said owner, or his agent, a notice specifying the repairs or painting required to be made or done.

(3) The owner upon receipt of such notice shall forthwith make or cause to be made the required repairs or do or cause to be done the required painting.

Sewer Systems

12. Sections 13 to 20, both inclusive, do not apply to Waterton Lakes National Park.

13. (1) All sewers connecting any premises with a Park sewer system shall be installed by employees of the Department at Government expense from the street sewer to the property line.

(2) Where extra cost is involved for excavation work due to frost conditions, such additional cost shall be charged to and paid on demand by the applicant for such connection.

(3) Where the street has been improved by a boulevard, sidewalk or pavement of a permanent character, the applicant desirous of making a connection with the sewer main shall pay the cost of both removing and restoring such boulevard, sidewalk or pavement as may be required in making the installation.

14. Installations from the property line to the building or buildings being connected to a Park sewer system shall be carried out in accordance with these regulations under the direct supervision of the Superintendent and at the expense of the person applying for such installation.

15. (1) Where an applicant for a sewer connection is required by these regulations to pay the whole or part of the cost of making such connection, he shall pay to the Superintendent at the time of the application a deposit equal to the applicant's share of the estimated cost of such connection.

(2) If upon completion of the connection the deposit is found to be less than the applicant's share of the cost of such connection, the person applying for the connection shall forthwith pay the balance of the cost thereof.

(3) If upon completion of the connection the cost of the applicant's share is less than the deposit made, the balance of the deposit shall be refunded to the person who made the deposit.

16. Sewer rates shall be levied against

- (a) all lots in a townsite or subdivision located in a Park listed in the Schedule on a street on which a sewer is laid and all lots in a townsite or subdivision connected with a sewer serving such lots; and
- (b) all parcels of land outside such townsites or subdivisions which are connected with a sewer serving such parcels.

National Parks Act—continued

17. (1) The rules established by the *National Parks Water Regulations* for determining the frontage of a lot on which a water frontage charge is to be levied shall *mutatis mutandis* apply in determining the frontage of a lot in a townsite or subdivision on which sewer rates are levied.

(2) The frontage of any parcel outside a townsite or a subdivision liable for sewer rates shall be deemed to be the square root of the area in square feet of that parcel.

18. The annual sewer rates for each foot frontage of a lot or parcel of land in a Park is the rate set out for that Park in the Schedule.

19. Sewer rates are payable by the owner, lessee or licensee of a lot or parcel of land in the same manner and at the same time as water rates are payable in a Park, and are subject to the same discount for prompt payment.

20. (1) Any person proposing to install a sewer which will not be connected to a Park sewer system shall

(a) submit plans and specifications of such installation in triplicate satisfactory to the Superintendent; and

(b) obtain a permit from the Superintendent.

(2) The fee for such permit is one dollar for each thousand dollars or fraction thereof, of the estimated value of the installation.

21. (1) Lessees or licensees in the Townsite of Waskesiu in Prince Albert National Park, which is not served by a sewer system, shall pay for the removal of sewage at the following rates:

(a) for non-commercial properties \$1.25 per tank load of 500 gallons or fraction thereof.

(b) for commercial properties \$1.00 per tank load of 500 gallons or fraction thereof;

(2) The lessee or licensee of any lot or parcel of land in the Townsite of Wasagaming and Clear Lake Subdivision in Riding Mountain Park, which is not served by a sewer system, shall pay the cost of removal of night soil from such property at the rate of \$7.50 a season for each such lot or parcel of land.

Schedule

ANNUAL SEWER RATE IN NATIONAL PARKS

<i>Park</i>	<i>Rate per foot frontage</i>
(a) Banff National Park	9 cents
(b) Kootenay National Park	9 cents
(c) Jasper National Park	13 cents
(d) Riding Mountain National Park	10 cents
(e) Yoho National Park	13 cents

National Parks Act—continued

17. National Parks Water Regulations

P.C. 1954-1848

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the National Parks Act, is pleased to order as follows:

1. The Regulations for the control and management of waterworks system for townsites and subdivisions in the National Parks of Canada, established by Order in Council P.C. 5591 of 3rd November, 1949, as amended, are hereby revoked; and

2. The annexed "Regulations for the control and management of waterworks systems for townsites and subdivisions in the National Parks of Canada" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS FOR THE CONTROL AND MANAGEMENT OF WATERWORKS
SYSTEMS FOR TOWNSITES AND SUBDIVISIONS IN THE
NATIONAL PARKS OF CANADA

1. These regulations may be cited as the *National Parks Water Regulations*.

2. In these regulations,

- (a) "business" includes trade, calling, industry employment, profession, and occupation;
- (b) "cabin" means a detached structure designed to provide accommodation for tourists;
- (c) "Department" means Department of Northern Affairs and National Resources;
- (d) "fiscal year" means the twelve months ending the 31st day of March;
- (e) "Minister" means Minister of Northern Affairs and National Resources;
- (f) "owner" means the lessee of a lot in a townsite or the licensee of an automobile bungalow camp in a Park;
- (g) "Park" means any National Park listed in the Schedules hereto;
- (h) "season" means that portion of a year from April 1 to September 30 inclusive;
- (i) "street" includes a lane; and
- (j) "Superintendent" means the Superintendent of a Park and includes any person authorized to act for or in the name of the Superintendent.

National Parks Act—continued

3. (1) Every building erected on a lot which fronts or abuts on a street on which a Park water main has been laid shall

- (a) be connected with the waterworks system of a Park; and
- (b) be supplied with a separate water pipe from the street line and a separate cock to control the water supply.

(2) Where there are two or more buildings on a lot the Superintendent may exempt from the provisions of subsection (1) any garage, cabin or building on the lot which is appurtenant to a building connected with the Park water main.

(3) The owner of every occupied building on a lot which fronts or abuts on a street on which a Park water main has been laid shall be charged water rates.

4. (1) Application for the use of water from any Park waterworks system shall be made on the prescribed form, which may be obtained from the Superintendent.

(2) The application shall be signed by the owner of the premises or his agent duly authorized in writing and shall state the purpose for which the water is required.

5. No person shall make any connection with a Park water main or with a water pipe connected with a Park water main without the permission in writing of the Superintendent.

6. No person shall tamper with or damage any water hydrant, valve, stop-cock, pipe or other waterworks appliance outside his own premises.

7. (1) No person shall trespass on lands in a Park which have been designated by the Superintendent as a source of domestic water supply and the boundaries of such lands shall be marked by the Superintendent with appropriate signs.

(2) No person shall deposit refuse or any other substance in a lake or stream which is a source of water supply or in a water intake or upon the frozen surface of any such lake, stream or water intake or in the vicinity of a lake, stream or water intake which the Superintendent has designated by signs as a source of domestic water supply.

(3) No person shall fish, bathe or do washing in a lake, stream or water intake which is a source of water supply.

8. (1) All expenses incurred in connection with the tapping of a water main and the laying of a water pipe from the Park water main to the street line will be paid by the Department, but,

- (a) where extra cost for excavation work due to frost conditions is involved, such additional cost shall be charged to and paid on demand by the applicant for water; and
- (b) where the street has been improved by a boulevard, sidewalk or pavement of a permanent character the applicant desirous of making a connection with the water main shall pay the cost of both excavating and restoring such boulevard, sidewalk or pavement as may be required in making this installation.

(2) The applicant shall deposit with the Superintendent when required by him to do so the amount necessary to defray such additional cost before the work is undertaken.

National Parks Act—continued

9. The water pipe connection from the street line into a building shall be made by and at the expense of the applicant for water service, but water meters shall be put in place by or under the direction of the Superintendent.

10. (1) Where waterworks systems are operated throughout the year, an applicant who receives a permit for the installation of a water pipe shall cause the pipe to be placed not less than six feet below the surface of the ground throughout the entire distance between the street line and the inner side of the foundation wall of his building.

(2) Where a connection to a Park water main in the waterworks system is installed for seasonal use only, such connection shall be made at a depth stipulated by the Superintendent.

11. (1) The Superintendent may enter at all reasonable times any building connected with the waterworks system to examine the plumbing and to ascertain the quantity of water used and the manner of its use.

(2) The Superintendent may turn off the water supply in cases where he finds any fixture or appliance in the building is out of order and causing a waste of water.

(3) In such cases the water supply shall not be turned on until the owner of the premises has made or caused to be made the necessary repairs to the satisfaction of the Superintendent or until he has satisfied the Superintendent that the waste will be discontinued.

12. (1) The Superintendent may shut off or interrupt the supply of water for such periods as he may deem necessary when

- (a) it is expedient to make repairs to the waterworks system or to construct new mains or other works; and
- (b) in the case of a general conflagration or other circumstances over which the Department has no control.

(2) An occupant of premises shall have no claim for damages for loss sustained as a result of the water supply being shut off or interrupted.

13. When the water supply is completely shut off for a period of not less than ten clear days pursuant to section 12, the owner of a building whose water supply has been suspended shall be granted a rebate of water charges for the actual period of suspension and provision for such rebate shall be made in the next semi-annual account.

14. An owner of premises which are connected to the waterworks system in a Park who neglects or fails to notify the Superintendent in writing of his intention to vacate is liable for all water charges and also for damages, if any, caused to the waterworks system resulting from such neglect or failure.

15. When a water service has been shut off pursuant to notice and the premises remain unoccupied for a six month period the owner of the premises is not liable for water rates but is liable for frontage charges.

16. (1) The charge to be made for the use of water from the waterworks system in any Park named in a Schedule hereto annexed shall be in accordance with the rates set out in that Schedule, but the minimum charge for a fiscal year shall be the charges payable for a six month period whether or not the premises are occupied.

National Parks Act—continued

(2) Halls, hallways, vestibules, bathrooms, pantries and closets shall not be considered rooms, for the purpose of fixing water rates.

17. (1) A frontage charge of five cents per linear foot in Banff National Park, and a frontage charge of six cents per linear foot in Jasper, Kootenay and Yoho National Parks shall be levied in each fiscal year on all lots fronting or abutting on a street along which a Park water main has been laid and on all lots served by a Park water main.

(2) The following rules shall apply in determining the frontage of any lot or parcel.

1. The frontage of an inside lot is the width of the lot fronting the street on which the water main is laid.

2. The frontage of an inside lot fronting or abutting on two streets, both having water mains, is the width of the lot fronting the street from which connections have been made but when more than one building has been erected on the lot and connections have been made to both mains the lot shall be considered as two parcels of land for purposes of the frontage charge in proportion to the ground floor area of the buildings.

3. Except as provided by rule 4, the frontage of a lot shall be the width of the lot along one street only, such street to be determined by the Superintendent.

4. The frontage of a corner lot at an intersection of water mains is the frontage along the width of the lot and twenty-five feet along the depth thereof, except that where the depth of the lot is less than twenty-five feet the frontage shall be the entire width and depth of the lot.

5. When a lot is subdivided each portion thereof shall be considered as a separate lot.

6. The Superintendent may designate as an irregular lot any lot the width of which is deemed to be out of proportion to the width of a lot of average size; the frontage of an irregular lot shall be deemed to be that number which is in the same ratio to the frontage of the nearest lot of regular size in the same block as the area of the irregular lot is to the area of the regular lot, but if such irregular lot has been subdivided and two or more buildings erected thereon which have been connected with the water system, the width of the lot shall be the total frontage, subject to the condition that the frontage of an irregular lot shall be not less than the frontage of the nearest lot of regular shape in the same block with the same number of buildings thereon.

(3) Subsection (1) of this section does not apply to lots upon which schools and buildings appurtenant thereto are erected.

18. Where any building is designed or altered to accommodate two or more families, it may in the discretion of the Superintendent be classed as a duplex or an apartment house and each apartment or unit shall be deemed to be a house for the purpose of fixing the water rate for such apartment or unit under these regulations.

19. (1) Where any building is altered so as to increase or reduce the number of rooms or the floor area, a revision of the water charges shall be made effective from the commencement of the semi-annual period next following the date of such alteration.

National Parks Act—continued

(2) Where a claim arises from reduction of the water rates by reason of a decrease in the number of rooms or of the floor area, notice in writing shall be given to the Superintendent not less than thirty clear days prior to the date of commencement of the semi-annual period next following.

20. (1) No person shall take water from the waterworks system for construction purposes without the permission of the Superintendent in writing.

(2) The application for water to be used for construction purposes shall be in writing and contain an estimate of the quantity of brick, stone, cement, plaster or other material for which the water is required.

(3) The water charges at the rates listed in the Schedules hereto are payable in advance but if the quantities of such material used exceed the amount of the estimate, the applicant shall pay the additional amount.

21. The owner or occupier of any premises connected with the waterworks system shall not sell or otherwise permit water to be taken away from the premises by any person.

22. (1) Water rates in Banff, Jasper, Kootenay and Yoho National Parks are due and payable on April 1 and October 1 of each year.

(2) Water rates in Prince Albert, Riding Mountain and Fundy National Parks are due and payable on such dates as may be fixed by the Superintendent.

23. If there are no arrears, a discount of ten per cent shall be allowed when payment is made on or before the 15th day of the month in which any account falls due.

24. A service charge of fifty cents is payable each time the water connection is turned on or off.

25. Notwithstanding anything contained in the Schedules hereto the Minister may in any special case enter into an agreement with the owner or authorized representative of any hospital, railway company, hotel, auto bungalow camp or business licensed to operate in a Park to furnish water from the Park waterworks system at rates which the Minister may consider fair and just having regard to the circumstances of the case and for the accommodation available and the use to be made of the service.

26. In the case of any water service not expressly provided for in the Schedules hereto the Minister may set a rate commensurate with the circumstances in each case and the rate so determined shall have the same force and effect as if authorized hereunder, but in all other respects the application for such water service shall be subject to these regulations.

National Parks Act—continued

Schedule A

BANFF WATERWORKS SYSTEM

BANFF NATIONAL PARK

PART I—DOMESTIC WATER RATES

1. House—	
Four rooms or less	\$ 8.25
Each additional room	1.75
2. Rooms—	
Used for housekeeping purposes in business blocks—	
Three rooms or less, each room	2.00
More than three rooms, rate for house to apply.	
3. Cabins which may be occupied only in season—	
(a) Each cabin with shower, toilet, washbasin and sink	4.00
(b) Each cabin with sink or washbasin and toilet	3.00
(c) Each cabin without plumbing fixtures	2.00
4. Cabins which may be occupied throughout the year—	
(a) Each cabin with shower, toilet, washbasin and sink	8.00
(b) Each cabin with sink or washbasin and toilet	6.00
(c) Each cabin without plumbing fixtures	4.00

PART II—COMMERCIAL WATER RATES

1. Buildings actually occupied or used for purposes of business shall be assessed water rates on the floor area thereof as specified below:	
(a) 3,000 square feet of the main floor, one cent per square foot; area in excess of 3,000 square feet, one-quarter cent per square foot.	
(b) Secondary floor areas (upper floors and basement), one-half cent per square foot.	
(c) A minimum floor area charge on 1,000 square feet shall be levied against all properties except in the case of any properties which may be specifically exempt from area charges under these regulations.	
(d) In addition to the floor area rate specified under paragraph (a) hereof, an additional charge shall be levied in connection with the following services:	
(i) Dentist, each chair	\$ 4.00
(ii) Barber shop, hairdressing and beauty salon, each chair	4.00
(iii) Bakery-oven, soda fountain, each	5.00
(iv) Coffee shop, lunch counter, restaurant or milk and cream depot	10.00
(v) Photographic developing room, garage and service station	15.00

National Parks Act—continued

- (vi) Laundry, each washing machine 20.00
- (vii) Tennis club: ground courts, first court 5.00
- (viii) Each additional court 2.50
- (ix) Hotel, lodge, bungalow camp or restaurant
 - each dish-washing machine 10.00
 - each potato-peeling machine 5.00
- (e) Any business occupying a floor area not exceeding 400 square feet in a building shall be charged a water rate of \$5 per annum, in addition to the domestic rate provided under Part I.

**PART III—HOTEL, CLUB, BOARDING AND ROOMING HOUSE, AND
HOSPITAL RATES**

1. Hotels operated only in season in addition to the frontage charge, shall be:
 - (a) Assessed a water rate of one-half cent per square foot on the area of rotundas, dining rooms, reception rooms, lounges, parlours, beer gardens, bar-rooms and any other space designed for public use therein and a water rate of \$2 per annum for each room in the premises used for the purposes of and forming part of any such hotel.
 - (b) subject to an additional assessment for bar sinks and urinals installed in such premises in accordance with the rates established under Part VI of this Schedule.
2. Hotels operated for more than six months in a year shall be assessed the water rates provided under paragraphs (a) and (b) of subsection (1) except that the charge for rooms shall be \$3 per annum for each room. A business which is carried on in an hotel or in a building which is occupied and used for purposes of a hotel and which does not pertain to the ordinary affairs of such hotel but is operated as a separate and independent business, shall be charged the water rates applicable thereto under Part II.
3. Clubs, boarding and rooming houses, or boarding houses and rooming houses, containing six rooms or which provide lodging accommodation for five persons exclusive of dependent members of the family of the occupant of any such premises shall be assessed a water rate of \$2 per annum for each room in the building; provided that there shall be an additional assessment for bar sinks and urinals installed therein in accordance with the rates established under Part VI.
4. Hospitals shall be assessed a water rate of \$3 per annum for each room in the building; provided that there shall be an additional assessment for urinals installed therein in accordance with the rates established under Part VI.

PART IV—CHURCH, SCHOOLHOUSE AND RINK RATES

1. Churches, including the property upon which the church building and buildings appurtenant thereto have been erected, shall be assessed one-tenth the amount of the water rates established under Part II.

National Parks Act—continued

2. (a) Schoolhouses and buildings appurtenant thereto which are maintained and operated at public expense, shall be furnished water free of charge except in the case of swimming pools which shall be assessed one-quarter of the rate established for such service under Part V.
- (b) Educational institutions and schools operated other than at public expense as provided under paragraph (a) shall be assessed water rates in accordance with the provisions of Part I.
3. Skating rinks\$10.00
Curling rinks—each sheet of ice 2.50

PART V—METER RATES

1. A charge of fourteen cents per thousand gallons shall be levied for water supplied for purposes of swimming pools or to manufacturing establishments and other large consumers of water.
2. An additional charge shall be levied for water meters, as follows:
- | | |
|---------------------------|---------|
| Size of meter— | |
| $\frac{3}{4}$ inch | \$ 4.20 |
| 1 inch | 7.00 |
| $1\frac{1}{2}$ inch | 9.75 |
| 2 inch | 12.50 |
| 3 inch | 28.00 |
| 4 inch | 56.00 |
| 5 inch | 84.00 |

PART VI—MISCELLANEOUS RATES

1. Livery stables and cattle barns shall be assessed water rates of \$1.50 per annum per stall, space or ring in lieu of the commercial rate establishment under Part II.
2. Bar sinks—single sink\$ 20.00
each additional 15.00
3. Urinals—each stand 4.00
4. Construction purposes—
A charge for the use of water shall be levied at the following rates:
- | | |
|--|----------|
| Plaster or stucco, per 100 square yard | 30 cents |
| Brick, per thousand | 20 cents |
| Stone or concrete, per cubic yard | 15 cents |
5. The holder of an automobile bungalow camp concession may be supplied with water for domestic purposes from the waterworks system during periods he is permitted or qualified under the terms and conditions of his licence to operate, subject to payment of the following rates:
- (1) Cabins which may be occupied only in season—
- | | |
|--|---------|
| (a) Each cabin with shower, toilet, washbasin and sink | \$ 4.00 |
| (b) Each cabin with sink or washbasin and toilet .. | 3.00 |
| (c) Each cabin without plumbing fixtures | 2.00 |

National Parks Act—continued

- (2) Cabins which may be occupied throughout the year—
 - (a) Each cabin with shower, toilet, washbasin and sink \$ 8.00
 - (b) Each cabin with sink or washbasin and toilet .. 6.00
 - (c) Each cabin without plumbing fixtures 4.00
6. The lodge, offices and other appurtenant buildings occupied or used in connection with any automobile bungalow camp concession shall be assessed water rates in accordance with the provisions of Part III, governing hotels operated only in season or for more than six months as the case may be, except lot frontage charges.

Schedule B

JASPER WATERWORKS SYSTEM JASPER NATIONAL PARK
 RADIUM HOT SPRINGS WATERWORKS SYSTEM KOOTENAY NATIONAL PARK
 AND
 FIELD WATERWORKS SYSTEM YOHO NATIONAL PARK

PART I—DOMESTIC WATER RATES

1. House—

Four rooms or less	\$ 11.00
Each additional room	2.00
2. Rooms—

Used for housekeeping purposes in business blocks—

Three rooms or less, each room	\$ 3.00
More than three rooms, rate for house to apply.	
3. Cabins which may be occupied only in season—
 - (a) Each cabin with shower, toilet, washbasin and sink....\$ 4.00
 - (b) Each cabin with sink or washbasin and toilet.....\$ 3.00
 - (c) Each cabin without plumbing fixtures.....\$ 2.00
4. Cabins which may be occupied throughout the year—
 - (a) Each cabin with shower, toilet, washbasin and sink....\$ 8.00
 - (b) Each cabin with sink or washbasin and toilet\$ 6.00
 - (c) Each cabin without plumbing fixtures.....\$ 4.00

PART II—COMMERCIAL WATER RATES

1. Buildings actually occupied or used for purposes of business shall be assessed the following rates on the floor area thereof:
 - (a) 2,000 square feet of the main floor, one and one-half cents per square foot; area in excess of 2,000 square feet, one-half cent per square foot.
 - (b) Secondary floor areas (upper floors and basement) one-half cent per square foot.
 - (c) A minimum floor area charge on 1,000 square feet shall be levied against all properties except in the case of any properties which may be specifically exempted from area charges under these regulations.

National Parks Act—continued

- (d) In addition to the floor area rate specified under paragraph (a), an additional charge shall be levied in connection with the following services:
- | | | |
|---|----|-------|
| (i) Dentist, each chair | \$ | 5.00 |
| (ii) Barber shop, hairdressing and beauty salon, each chair | \$ | 5.00 |
| (iii) Bakery-oven, soda fountain, each | \$ | 5.00 |
| (iv) Coffee shop, lunch counter, restaurant or milk and cream depot | \$ | 10.00 |
| (v) Photographic developing room, garage and service station | \$ | 20.00 |
| (vi) Laundry, each washing machine | \$ | 25.00 |
| (vii) Tennis club ground courts, first court | \$ | 5.00 |
| (viii) Each additional court | \$ | 2.50 |
| (ix) Hotel, lodge, bungalow camp or restaurant— | | |
| —each dish-washing machine | \$ | 12.50 |
| —each potato-peeling machine | \$ | 5.00 |
- (e) Any business occupying a floor area not exceeding 400 square feet in a building shall be charged a water rate of \$5 per annum, in addition to the domestic rate provided under Part I.

**PART III—HOTEL, CLUB, BOARDING AND ROOMING HOUSE,
AND HOSPITAL RATES**

1. Hotels operated only in season, in addition to the frontage charge, shall be—
 - (a) assessed a water rate of one-half cent per square foot on the area of rotundas, dining rooms, reception rooms, lounges, parlours, beer gardens, bar-rooms and any other space designed for public use therein, and a water rate of \$3 per annum for each room in the premises used for the purposes of and forming part of any such hotel.
 - (b) subject to an additional assessment for bar sinks and urinals installed in such premises in accordance with the rates established under Part VI.
2. Hotels operated for more than six months in a year shall be assessed the water rates provided under paragraphs (a) and (b) of subsection (1) except that the charge for rooms shall be \$4 per annum for each room. A business which is carried on in an hotel or in a building which is occupied and used for purposes of an hotel and which does not pertain to the ordinary affairs of such hotel but is operated as a separate and independent business, shall be charged the water rates applicable thereto under Part II.
3. Clubs, boarding and rooming houses, or boarding houses and rooming houses, containing six rooms or which provide lodging accommodation for five persons exclusive of dependent members of the family of the occupant of any such premises shall be assessed a water rate of \$3 per annum for each room in the building; provided that there shall be an additional assessment for bar sinks and urinals installed therein in accordance with the rates established under Part VI.

National Parks Act—continued

4. Hospitals shall be assessed a water rate of \$4 per annum for each room in the building; further provided that there shall be an additional assessment for urinals installed therein in accordance with the rates established under Part VI.

PART IV—CHURCH, SCHOOLHOUSE AND RINK RATES

1. Churches, including the property upon which the church building and buildings appurtenant thereto have been erected shall be assessed one-tenth the amount of the water rates established under Part II.
2. (a) Schoolhouses and buildings appurtenant thereto which are maintained and operated at public expense, shall be furnished water free of charge except in the case of swimming pools which shall be assessed one-quarter of the rate established for such service under Part V.
- (b) Educational institutions and schools operated other than at public expense as provided under paragraph (a) shall be assessed water rates in accordance with the provisions of Part I.
3. Skating rinks\$ 10.00
Curling rinks—each sheet of ice 2.50

PART V—METER RATES

1. A charge of fourteen cents per thousand gallons shall be levied for water supplied for purposes of swimming pools or to manufacturing establishments and other large consumers of water.
2. An additional charge shall be levied for water meters, as follows—
Size of meter:
- | | |
|---------------------------|---------|
| $\frac{3}{4}$ inch | \$ 4.20 |
| 1 inch | 7.00 |
| $1\frac{1}{2}$ inch | 9.75 |
| 2 inch | 12.50 |
| 3 inch | 28.00 |
| 4 inch | 56.00 |
| 5 inch | 84.00 |

PART VI—MISCELLANEOUS RATES

1. Livery stables and cattle barns shall be assessed water rates of \$1.50 per annum per stall, space or ring in lieu of the commercial rate established under Part II.
2. Bar sinks—single sink\$ 25.00
each additional 15.00
3. Urinals—each stand\$ 5.00
4. Construction purposes—
A charge shall be levied for the use of water at the following rates—
- | | |
|---|----------|
| Plaster or stucco, per 100 square yards | 30 cents |
| Brick, per thousand | 20 cents |
| Stone or concrete, per cubic yard | 15 cents |

National Parks Act—continued

5. The holder of an automobile bungalow camp concession may be supplied with water for domestic purposes from the waterworks system during periods he is permitted or qualified under the terms and conditions of his licence to operate, subject to payment of water rates as specified hereunder—
- (1) Cabins which may be occupied only in season—
- | | |
|---|---------|
| (a) each cabin with shower, toilet, washbasin and sink | \$ 4.00 |
| (b) each cabin with sink or washbasin and toilet | 3.00 |
| (c) each cabin without plumbing fixtures | 2.00 |
- (2) Cabins which may be occupied throughout the year—
- | | |
|---|---------|
| (a) each cabin with shower, toilet, washbasin and sink | \$ 8.00 |
| (b) each cabin with sink or washbasin and toilet | 6.00 |
| (c) each cabin without plumbing fixtures | 4.00 |
6. The lodge, offices and other appurtenant buildings occupied or used in connection with any automobile bungalow camp concession shall be assessed water rates in accordance with the provisions of Part III, governing hotels operated only in season or for more than six months as the case may be, except lot frontage charges.

Schedule C

WASKESIU WATERWORKS SYSTEM
PRINCE ALBERT NATIONAL PARK
WASAGAMING WATERWORKS SYSTEM
RIDING MOUNTAIN NATIONAL PARK
AND
FUNDY PARK WATERWORKS SYSTEM
FUNDY NATIONAL PARK

Rates for Season

PART I—DOMESTIC WATER RATES

1. House—
- | | |
|----------------------------|---------|
| Four rooms or less | \$ 4.50 |
| Each additional room | .75 |
2. Rooms used for housekeeping purposes in business blocks—
- | | |
|----------------------------|------|
| Four rooms or less | 4.50 |
| Each additional room | .75 |

PART II—COMMERCIAL WATER RATES

1. Commercial properties (other than catering establishments)—
- | | |
|-------------------------------------|-----|
| Ground floor, per square yard | .06 |
| Upper floor, per square yard | .03 |
2. Catering establishments, hotels, restaurants, boarding and rooming houses, boarding houses and rooming houses—
- | | |
|-------------------------------------|-----|
| Ground floor, per square yard | .09 |
| Upper floor, per square yard | .06 |

National Parks Act—continued

PART III—MISCELLANEOUS RATES

1. Automobile bungalow camp—	
(a) each cabin with inside water connection	\$ 2.50
(b) each cabin without plumbing fixtures	2.00
2. Standpipe	5.00
3. Lot without buildings	2.50
4. Livery stable, each horse .....	.50
5. Swimming pool, per thousand gallons .....	.10

18. National Parks Highway Traffic Regulations

P.C. 1954-1849

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the National Parks Act, is pleased to order as follows:

1. The Regulations governing highway traffic in the National Parks of Canada, established by Order in Council P.C. 5965 of 24th November, 1949, as amended, are hereby revoked; and

2. The annexed "Regulations governing highway traffic in the National Parks of Canada" are hereby made and established in substitution for the regulations hereby revoked.

HIGHWAY TRAFFIC REGULATIONS

*Regulations Governing Highway Traffic in the
National Parks of Canada*

1. These regulations may be cited as the *National Parks Highway Traffic Regulations*.

Interpretation

2. In these regulations,

- (a) "chauffeur" means a person who for gain or reward drives or operates a motor vehicle;
- (b) "driver" means a person who drives or operates a vehicle on a highway and includes a chauffeur;
- (c) "highway" includes any highway, road, street, lane, alley, trail, bridge or trestle within a Park designed and intended or used for passage of vehicles;

National Parks Act—continued

- (d) “intersection” means the area embraced within the prolongation of lateral curb lines, or if none, then of the lateral boundary lines of two or more highways which join one another at an angle whether or not one such highway crosses the other;
- (e) “lavatory” includes any water closet, chemical toilet or other sanitary device with which any trailer is equipped;
- (f) “Minister” means the Minister of Northern Affairs and National Resources;
- (g) “Park” means a National Park;
- (h) “park” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged loading or unloading;
- (i) “Park Motor Licence” means the valid and subsisting licence issued under these regulations to any person who is not a resident of a Park;
- (j) “sidewalk” includes any walk or path bordering a highway and constructed for pedestrian use;
- (k) “Superintendent” means the Superintendent of a Park and includes any person authorized to act for or in the name of the Superintendent;
- (l) “trailer” means a vehicle to be drawn by a motor vehicle, but not an implement of husbandry, temporarily drawn, propelled or moved upon the highway;
- (m) “vehicle” means a device, in, upon or by which a person or property is or may be transported or drawn upon a highway, except a device used exclusively upon stationary rails or tracks; and
- (n) “year” means the twelve-month period commencing April 1st in any year to March 31st of the year following.

Licences

3. No person shall operate a vehicle on a highway in a Park unless
- (a) he holds all licences and permits that he is, by the laws of the province in which the highway is situated, required to hold in order to operate the vehicle in that province; and
 - (b) the vehicle is registered and equipped as required by the laws of the province in which the highway is situated.

4. (1) No person shall operate a vehicle on a highway otherwise than in accordance with the laws of the province in which the highway is situated.

(2) In this section the expression “laws of the province” does not include laws that are inconsistent with or repugnant to any provision of these regulations.

5. (1) A person who resides outside a Park shall not operate or use within any Park listed in the Schedule hereto any motor vehicle unless

- (a) he has attached to that motor vehicle a Park motor licence issued under these regulations; or
- (b) he has paid an admission fee for each single trip into that Park and holds during such trip a receipt issued by the Superintendent for such admission fee.

National Parks Act—continued

(2) Subsection (1) does not apply to persons owning land within the boundaries of Point Pelee National Park, their families, workmen, servants, agents and licensees.

(3) Application for a Park motor licence shall be made to the Superintendent.

(4) All Park motor licences shall be issued by the Superintendent.

(5) Every person to whom a Park motor licence is issued shall affix and keep affixed such licence to the inside of the windshield of the vehicle on the lower left-hand or lower right-hand corner.

(6) Subject to subsection (7) the fees payable for a Park motor licence, or for a single trip, are according to the scale set out in the Schedule.

(7) The fees payable annually for a transient motor licence by any person maintaining a regular interprovincial bus schedule in Banff, Jasper, Kootenay and Yoho Parks shall be calculated in the following manner:

- (a) for each bus of the total number of buses required to maintain a regular schedule in Banff, Jasper, Kootenay and Yoho Parks there shall be charged and paid, in advance, the sum of five hundred and twenty-five dollars allowing ten thousand miles per bus; and
- (b) if the total mileage of all buses operated in the said Parks during any year exceeds the total allowance for all buses for which fees have been paid there shall be paid by the person operating such buses the sum of five hundred and twenty-five dollars for each additional ten thousand miles, or fraction thereof, travelled by such buses.

6. (1) No transient motor licence shall be issued in Banff, Jasper, Kootenay or Yoho Parks to cover the operation of a truck or trailer-truck on Park highways other than may be necessary for the transportation of freight which in the opinion of the Superintendent, is essential for the conduct of business in the Parks.

(2) Subsection (1) does not apply

- (a) to the issue of a licence for a truck owned by a person operating a farm in the Columbia River Valley between Donald Station and Wasa Station in the province of British Columbia and driven by such person or his employee, which truck does not exceed twenty-four feet in length, eight feet in width, and the carrying capacity of which is not in excess of three tons upon such conditions as the Minister may deem advisable;
- (b) to the issue of a licence for a truck owned by a person operating timber leases on provincial lands south and east of Kootenay Park and utilizing that portion of the Settlers Road in the said Park and that portion of the Banff-Windermere Highway between the junction of said road and highway and the west boundary of Kootenay Park, upon such conditions as the Minister may deem advisable;
- (c) to light trucks not exceeding one ton in carrying capacity, used for the conveyance of passengers only; or
- (d) in any cases where the Minister considers the circumstances to justify the issue of a licence for a single trip, subject to such conditions as he may deem advisable.

National Parks Act—continued

(3) Notwithstanding subsection (1), the Minister may authorize the issue of transient motor licences to residents of the Columbia River Valley between Canal Flats and Spillimacheen in the Province of British Columbia permitting the operation of trucks used for the transportation of fresh meat, vegetables and other perishable supplies from the City of Calgary to the Columbia River Valley, and the transportation of produce other than logs and lumber from the said Columbia River Valley to the City of Calgary over the Banff-Windermere Highway in Banff and Kootenay National Parks and the Trans-Canada Highway in Banff National Park, upon such conditions as the Minister may deem advisable.

Chauffeur's Licence

7. (1) No person shall drive or operate a motor vehicle for gain or reward unless he is licensed as a chauffeur under the National Parks Business Regulations.

(2) No person in a Park shall employ anyone to drive a motor vehicle who is not so licensed.

(3) Application for a Park chauffeur's licence shall be made to the Superintendent.

(4) No chauffeur's licence shall be issued to any person under the age of eighteen years.

(5) A chauffeur to whom a licence has been issued shall not operate a motor vehicle for gain or reward within a Park unless

(a) he wears his badge, or

(b) he is able on demand to produce his licence.

(6) No chauffeur while operating a motor vehicle shall use any badge or licence belonging to any other person.

(7) No chauffeur's licence shall be issued to a firm or corporation or in the name of more than one person.

Dimensions of Vehicles

8. (1) No person shall drive or operate

(a) on highways open for motor traffic in a Park, any motor vehicle exceeding thirty-five feet in overall length and eight feet in width, or any combination of passenger automobile and house trailer exceeding fifty feet in overall length and eight feet in width; or

(b) on any highway in Banff, Jasper, Kootenay or Yoho Park, any
(i) bus that exceeds thirty feet in overall length and eight feet in width;

(ii) truck or trailer truck, other than a truck or trailer truck used for the conveyance of gasoline, lubricating oils, fuel oil or liquefied petroleum gas, that exceeds twenty-four feet in overall length and eight feet in width; or

(iii) combination of passenger automobile and house trailer exceeding thirty-five feet in overall length;

(c) on any highway in Banff, Jasper, Kootenay and Yoho Parks, any truck or trailer truck used for the conveyance of gasoline, lubricating oils, fuel oil or liquefied petroleum gas, that exceeds twenty-six feet in overall length and eight feet in width.

National Parks Act—continued

- (2) Subsection (1) does not apply
- (a) to a bus not exceeding thirty-five feet in length being driven or operated on the following highways in Banff, Jasper, Kootenay or Yoho Parks,
 - (i) the Trans-Canada Highway through Banff and Yoho Parks including the road leading from the said highway to Chateau Lake Louise;
 - (ii) the Banff-Jasper Highway;
 - (iii) the Edmonton-Jasper Highway including the road leading from the said highway to Jasper Park Lodge;
 - (iv) the Banff-Windermere Highway between Mount Eisenhower Junction in Banff Park and the western boundary of Kootenay Park; or
- (b) to a truck or trailer truck not exceeding thirty-five feet in overall length and eight feet in width being driven or operated on the following highways in Banff, Jasper, Kootenay or Yoho Parks,
 - (i) that section of the Trans-Canada Highway in Banff Park between the eastern boundary of the Park and the Town of Banff;
 - (ii) that section of the Trans-Canada Highway in Yoho Park between the western boundary of the Park and the Town of Field;
 - (iii) the Edmonton-Jasper Highway in Jasper Park between the eastern boundary of the Park and the Town of Jasper;
 - (iv) the Banff-Windermere Highway in Kootenay Park between the western boundary of the Park and Radium Hot Springs Townsite;
- (c) to a combination passenger automobile and house trailer not exceeding fifty feet in overall length and eight feet in width being driven or operated on the following highways in Banff, Jasper, Kootenay or Yoho Parks,
 - (i) the Trans-Canada Highway through Banff and Yoho Parks;
 - (ii) the Edmonton-Jasper Highway;
 - (iii) the Banff-Windermere Highway between Mount Eisenhower Junction in Banff Park and the western boundary of Kootenay Park;
- (d) to a combination passenger automobile and house trailer not exceeding forty feet in overall length being driven or operated on the Banff-Jasper Highway in Banff and Jasper Parks; or
- (e) in any case where the Minister authorizes the issue of a licence for a vehicle limited to a single trip and subject to such conditions as he may deem advisable.

Trailers

9. The owner of a house trailer while in a Park shall comply with all the provisions of the Public Health Act of the province in which the Park is situated applicable thereto.

10. (1) The use of any lavatory, wash basin, sink or similar appliance constructed to permit of the discharge of liquid or solid waste matter directly from the trailer to the ground is prohibited.

National Parks Act—continued

(2) The lavatory in any trailer shall be equipped with a water-tight metal removable receptacle for the retention of waste matter, and all doors, windows or other apertures connected with such lavatory shall be of flyproof construction.

(3) Wash basins, sinks or other similar appliances in trailers shall be provided with a removable metal container for the retention of liquid waste, garbage and refuse.

(4) No liquid or solid waste matter shall be deposited other than in such places as may be designated by the Superintendent.

(5) No trailer shall be parked on any location other than that approved by the Superintendent.

Traffic Signs and Devices

11. (1) The Superintendent may mark or erect, or cause to be marked or erected, on or along any highway, traffic signs or devices which

- (a) prescribe rates of speed;
- (b) permit, regulate or prohibit parking to all or any class of vehicles, horse or other animals;
- (c) prescribe load limits and dimensions for any vehicle or class of vehicles;
- (d) designate any highway as a one-way highway;
- (e) stop vehicles;
- (f) close highways to all or any class of vehicles;
- (g) limit the hours during each day when a highway may be used;
- (h) regulate pedestrian traffic;
- (i) limit the use of highways to horses or a specific class or classes of vehicles;
- (j) designate taxi or cab stands; and
- (k) direct or control in any other manner the use of highways by vehicles, horses and pedestrians.

(2) No person other than the Superintendent shall mark or erect any traffic sign or device.

(3) No person other than the Superintendent shall remove or deface any traffic sign or device.

12. (1) The Superintendent may by order in writing prohibit any person from

- (a) parking a vehicle on a highway; or
- (b) loading or unloading a vehicle on a highway.

(2) A person who receives a copy of such order shall comply therewith.

13. Any traffic sign or device bearing the words "National Parks of Canada" or an abbreviation thereof, or purporting to have been erected by the Superintendent, shall *prima facie* be deemed to have been erected pursuant to these regulations.

14. The driver of a vehicle, a person riding or driving a horse, or a pedestrian shall obey the instructions of any traffic sign or device applicable to that driver, vehicle, horse, pedestrian or highway.

National Parks Act—continued

15. The driver of a vehicle on a highway shall comply with any traffic directions given to him by a constable or other person appointed by the Superintendent to direct the movement of vehicles.

16. Any traffic sign or device marked or erected prior to the coming into force of these regulations shall be deemed to have been marked or erected pursuant to these regulations.

17. Section 14 of these regulations does not apply to vehicles of the Park fire protection services when proceeding to a fire or to vehicles of the police, ambulance service or other department officials when proceeding to the scene of an accident or for any other emergency.

18. Any person operating a motor vehicle within a Park shall upon the request of any constable or other authorized person having like authority stop and give all reasonable information respecting such motor vehicle as may be required by such officer or person.

Parking

19. No person shall park a vehicle in an area designated by a sign as an area in which

- (a) parking is prohibited; or
- (b) parking of vehicles of that class prohibited.

20. Where an area is by sign designated as an area where parking is reserved for persons holding permits or designated as an area where parking is prohibited except under a permit, no person shall park a vehicle in the area unless

- (a) he holds a permit authorizing him to park in the area;
- (b) there is attached to and exposed on the vehicle the label furnished with the permit; and
- (c) he parks in accordance with the terms of his permit.

21. Where an area is by sign designated as an area where parking is permitted for a period of time, no person shall park a vehicle in the area for any greater period of time than that indicated on the sign.

22. Where an area is by sign designated as an area where parking is reserved for a class of persons, no person shall park in the area unless he is a member of that class.

23. (1) The Superintendent may issue or authorize the issue of permits and labels for the purposes of these regulations.

(2) Unless sooner revoked, a permit issued under these regulations is valid for the period stated thereon, and a label furnished with the permit is valid only during the period that the permit is valid.

24. No person shall park any vehicle within twenty feet of any highway intersection or within ten feet of any water hydrant or fire plug.

25. No person shall park any vehicle on any highway so as to obstruct the driveway leading to any private residence or business premises, or so as to interfere with other vehicles in loading or unloading goods or passengers.

National Parks Act—continued

26. A constable or Superintendent who finds a vehicle parked in contravention of these regulations may, at the expense of the owner, remove the vehicle and if he deems it necessary to protect the vehicle or the interests of the owner, store it in a suitable place.

Speed

27. No person shall drive a vehicle on a highway at a rate of speed in excess of the speed limit indicated for the highway by a sign.

Bicycles

28. (1) No person shall ride a bicycle upon any highway at a rate of speed greater than is reasonable and proper, having regard to the nature, condition, and use of the highway and the amount of traffic thereon.

(2) Any person riding a bicycle shall ride as close as possible to the right-hand edge or curb of the highway and any group of persons shall not ride more than two abreast.

29. No person shall ride a bicycle upon any sidewalk in any townsite or subdivision.

30. (1) Any person riding a bicycle shall carry at all times a suitable alarm bell, gong or horn which shall be sounded when about to pass a vehicle or person travelling in the same direction.

(2) No siren or other contrivance for sounding an alarm, except a bell, gong or horn shall be used on a bicycle while the same is being ridden on any highway.

Sidewalks and Boulevards

31. Except as provided in these regulations no person shall operate, draw or push upon any of the sidewalks of any townsite or subdivision any carriage, wagon, wheelbarrow, cart, hand-cart, truck, hand wagon, sled, sleigh or other vehicle used for the conveyance of persons or goods other than babies' conveyances and invalids' chairs.

32. (1) Where an access driveway is not provided to a lot within a townsite or subdivision or where a driveway is not conveniently located, and a person desires to drive or ride a horse or vehicle from the highway on to the lot he shall first

- (a) construct across the drain, gutter or water course skirting the place where he desires to enter the lot a good and sufficient bridge of planks or other material satisfactory to the Superintendent; and
- (b) construct over the sidewalk or boulevard to be crossed and of the full width thereof, a crossing of planks or other material satisfactory to the Superintendent sufficient to prevent injury to the sidewalk or boulevard.

(2) The temporary crossing provided under subsection (1) shall be immediately removed after it has served its purpose.

33. Except as authorized by these regulations no person shall ride, drive, lead or back any horse or vehicle across or along any sidewalk or boulevard.

National Parks Act—continued

Motorcab, Taxi and Express Stands

34. (1) No chauffeur shall park a vehicle for hire except at a place designated by the Superintendent as a taxi or cab stand.

(2) No person who operates a vehicle for gain or reward shall solicit passengers on any highway or sidewalk except at or adjacent to a taxi or cab stand or his place of business.

35. No person shall leave unattended on any highway any horse unless such horse be tied securely to some fixed object or to a heavy weight.

Miscellaneous

36. No person shall transport dynamite or other like combustible and dangerous material or explosive upon or along the highway of any townsite or subdivision without first securing permission from the Superintendent and then only in strict accordance with the terms of such permission.

37. No person shall coast or slide upon any toboggan or sled along or across any highway or public place not set aside by the Superintendent for that purpose.

38. (1) Subject to subsection (2) no person shall haul any dead animal, offal, night soil or other offensive matter or thing on a highway in a townsite or subdivision during the hours of daylight without the permission of the Superintendent.

(2) The owner of any animal which dies or has been killed on any highway shall forthwith cause the carcass to be removed therefrom and suitably disposed of.

39. Persons conveying any filth, dust, ashes, manure, garbage or rubbish over any highway shall not spill and leave any such material upon the highway and every vehicle used for the purpose of such conveyance shall be properly constructed and furnished with a covering satisfactory to the Superintendent.

40. No person shall place any material or commodity of any description on or over any highway or sidewalk which might cause personal or property damage or in any way interfere with traffic on the highway or sidewalk.

41. No person shall drive or ride any horse or other animal upon any highway at a rate of speed greater than is reasonable and proper, having regard to the nature, condition and use of the highway and the amount of traffic thereon.

42. No person shall

- (a) while driving any vehicle on any highway allow any person riding upon skis or any sled, toboggan, bicycle or other conveyance except a trailer to be drawn or towed by the vehicle of which he is in charge; or
- (b) skate or roller skate on any highway in a townsite or subdivision.

National Parks Act—continued

Schedule

FEES FOR TRANSIENT MOTOR LICENCES IN
THE NATIONAL PARKS OF CANADA

1. Automobile and motorcycles entering Banff, Jasper, Yoho and Kootenay Parks—	
Licence good for any number of trips during fiscal year ending March 31.....	\$ 2.00
with trailer attached.....	3.00
Fees for each single trip during period November 1 to March 31, inclusive.....	.50
with trailer attached.....	1.00
2. Trucks having a carrying capacity of not more than one ton used for the transportation of passengers only, entering Banff, Jasper, Yoho and Kootenay National Parks—	
Licence good for any number of trips during fiscal year ending March 31.....	2.00
(NOTE: The licences for Banff, Jasper, Yoho and Kootenay Parks are honoured in all Parks.)	
3. Automobile and motorcycles entering Waterton Lakes, Prince Albert, Riding Mountain, Elk Island and Point Pelee Parks—	
Licence good for any number of trips during fiscal year ending March 31.....	1.00
with trailer attached	2.00
Fee for each single trip during fiscal year.....	.25
with trailer attached.....	.50
4. Trucks having a carrying capacity of not more than one ton used for the transportation of passengers only entering Waterton Lakes, Prince Albert, Riding Mountain, Elk Island and Point Pelee Parks—	
Licence good for any number of trips during fiscal year ending March 31.....	1.00
Fee for each single trip during fiscal year.....	.25
5. Buses entering Banff, Jasper, Yoho and Kootenay Parks, per passenger mile.....	
	$\frac{1}{2}$ c.
6. Buses entering Waterton Lakes, Prince Albert, Riding Mountain, Elk Island and Point Pelee Parks—	
Single trip .....	.50
(NOTE: The fees in Sections 5 and 6 are subject to 10 per cent discount if a regular service is maintained and fees covering estimated number of trips are paid in advance.)	
7. (1) Trucks entering Kootenay National Park at the West Gate and proceeding not farther than Radium Hot Springs Townsite.	
(a) With carrying capacity up to and including two tons	
(i) Single trip .....	.25
(ii) 50 trips	10.00
(iii) Licence good for any number of trips during fiscal year ending March 31.....	20.00

National Parks Act—continued

(b) With carrying capacity exceeding two tons	
(i) Single trip	\$.50
(ii) 50 trips	15.00
(iii) Licence good for any number of trips during fiscal year ending March 31.....	25.00
(c) Trucks having a carrying capacity of not more than two tons, used for the transportation of passengers only between the Western Gate of Kootenay Na- tional Park and Radium Hot Springs Townsite. Licence good for any number of trips during fiscal year ending March 31.....	2.00
(2) Trucks entering Banff, Jasper, Yoho and Kootenay Parks other than those described in subsection (1)	
(a) With carrying capacity up to and including two tons	
(i) Single trip	1.00
(ii) 50 trips	25.00
(iii) Licence good for any number of trips during fiscal year ending March 31.....	50.00
(b) With carrying capacity exceeding two tons	
(i) Single trip	2.00
(ii) 50 trips	50.00
(iii) Licence good for any number of trips during fiscal year ending March 31	100.00
8. Trucks entering Waterton Lakes, Prince Albert, Riding Mountain, Elk Island and Point Pelee Parks	
Single trip .....	.50
With trailer attached—single trip.....	1.00
(NOTE: Fees for trucks entering Waterton Lakes, Prince Albert, Riding Mountain, Elk Island and Point Pelee Park are subject to 10 per cent discount if a regular service is main- tained and fees covering the estimated number of trips per month are paid in advance.)	

19. Waterton Lakes National Park Sewer Regulations

P.C. 1954-1850

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommenda-
tion of the Minister of Northern Affairs and National Resources and
Pursuant to the National Parks Act, is pleased to make the annexed
"Regulations for the control and management of the sewer system in
Waterton Lakes National Park", and they are hereby made and established,
accordingly.

National Parks Act—continuedREGULATIONS FOR THE CONTROL AND MANAGEMENT OF THE SEWER SYSTEM
IN WATERTON LAKES NATIONAL PARK

1. These regulations may be cited as the *Waterton Lakes National Park Sewer Regulations*.

2. In these regulations,

- (a) “business” includes trade, calling, industry, employment, profession and occupation;
- (b) “Department” means Department of Northern Affairs and National Resources;
- (c) “Minister” means Minister of Northern Affairs and National Resources;
- (d) “owner” means the lessee of a lot in the townsite or the lessee or licensee of any parcel of land in Waterton Lakes National Park;
- (e) “Park” means Waterton Lakes National Park;
- (f) “street” includes a lane; and
- (g) “Superintendent” means the Superintendent of Waterton Lakes National Park and includes anyone authorized to act for and in the name of the Superintendent.

3. (1) No person shall tamper with or damage any structure or appliance which forms part of or is appurtenant to the sewer system in the Park.

(2) No person shall deposit refuse or other matter of any sort into any pipe, fixture, manhole or any other appurtenance of the sewer system that would damage or cause failure of such system.

(3) No person or persons shall construct, maintain or use a septic tank or dry privy without the permission of the Superintendent.

4. (1) No person shall make any connection whatsoever with the Park sewer main or with a sewer connected with a sewer main without permission in writing of the Superintendent.

5. (1) Every building erected on a lot which fronts or abuts on a street on which a sewer main has been laid shall be connected with such sewer main by a separate connection.

(2) Where there are two or more buildings on a lot the Superintendent may exempt any garage, or other building on the lot which is appurtenant to a building connected to the Park sewer system, from the provisions of subsection (1).

(3) Subsection (1) does not apply to an uninhabited building.

(4) Every surveyed lot or parcel of land, with or without improvements, occupied or unoccupied, within the Park townsite shall be subject to sewer rate charges.

6. (1) Application for a connection to the Park sewer system shall be made on the prescribed form, which may be obtained from the Superintendent.

(2) The application shall be signed by the owner of the premises or his agent duly authorized in writing.

National Parks Act—continued

7. (1) All expenses incurred in making the sewer connection from the street sewer to the property line will be paid by the Department, but

- (a) where extra cost for excavation work due to frost conditions is involved, such additional cost shall be charged to and paid on demand by the applicant for such connection; and
- (b) where the street has been improved by a boulevard, sidewalk or pavement of a permanent character, the applicant desirous of making a connection with the sewer main shall pay for the cost of both removing and restoring such boulevard, sidewalk or pavement.

(2) The applicant shall deposit with the Superintendent when required by him to do so, the amount necessary to defray such additional cost before the work is undertaken.

8. (1) All sewer pipes connecting any premises with the Park sewer system shall be installed by employees of the Department at its expense from the sewer main to the street line.

(2) Installation of sewer pipes from the street line to the building or buildings being connected to the sewer, shall be done in accordance with these regulations under the supervision of the Superintendent and at the expense of the person applying for the installation.

(3) With each application for a sewer connection, there shall be paid a deposit of an amount equal to the estimated cost of making the connection.

(4) If upon completion of the installation of sewer pipe, the deposit is found to be less than the cost of the connection, the person applying for the connection shall forthwith pay the balance of the cost thereof, and if the cost is less than the deposit made, the balance of the deposit shall be refunded to the person who made the deposit.

9. The Superintendent may enter at all reasonable times any building connected with the sewer system to examine the plumbing, drains and vent piping and to ascertain the amount and manner of use.

10. The owner or occupier of any premises connected with the sewer system shall not connect or permit connections other than the connection or connections approved by the Superintendent.

11. (1) Subject to subsection (3), the assessed value of each lot or parcel of land in Waterton Lakes Park Townsite for the purpose of these regulations is the assessed value placed on such lot or parcel of land in the last revised assessment roll of Waterton Park School District No. 4233.

(2) A general sewer tax at the rate of 1.43 mills on the dollar shall be levied by the Superintendent on the assessed value of all lots or parcels of land in Waterton Lakes Park Townsite for the year 1954, and each year thereafter.

(3) Where a lot or parcel of land is improved subsequent to the revision of the last revised school district assessment roll or is not included in such assessment roll, the Superintendent may re-assess such lot or parcel.

12. (1) A special sewer tax at the rate of \$0.73 per unit for the year 1954 and each year thereafter shall be levied against each lot or parcel of land fronting or abutting on a street along which a sewer main has been laid and on each lot or parcel of land served by a sewer main.

National Parks Act—continued

(2) Such unit is the frontage of the lot in linear feet plus the area of the lot or parcel in square feet divided by 150.

(3) The following rules apply in determining the frontage of any lot or parcel.

1. The frontage of an inside lot is the width of the lot fronting the street on which the sewer main is laid.

2. The frontage of an inside lot fronting or abutting on two streets, both having sewer mains, is the width of the lot fronting the street from which connections have been made but when more than one building has been erected on the lot and connections have been made to both mains the lot shall be considered as two parcels of land for purposes of the special sewer tax in proportion to the ground floor area of the buildings.

3. Except as provided by rule 4, the frontage of a lot shall be the width of the lot along one street only, such street to be determined by the Superintendent.

4. The frontage of a corner lot at an intersection of sewer mains is the frontage along the width of the lot and for an additional twenty-five feet along the depth thereof, except that where the depth of the lot is less than twenty-five feet the frontage shall be the entire width and depth of the lot.

5. When a lot is subdivided each portion thereof shall be deemed to be a separate lot.

6. The Superintendent may designate as an irregular lot, any lot the width of which is deemed to be out of proportion to the width of a lot of average size; the frontage of an irregular lot shall be deemed to be that number which is in the same ratio to the frontage of the nearest lot of regular size in the same block as the area of the irregular lot is to the area of the regular lot but if such irregular lot has been subdivided and two or more buildings erected thereon which have been connected with the sewer system, the width of the lot shall be the total frontage, subject to the condition that the frontage of an irregular lot shall be not less than the frontage of the nearest lot of regular shape in the same block with the same number of buildings thereon.

7. The frontage of a lot or lots without buildings or containing buildings of less than 300 square feet floor area shall be half the width of such lot or lots where the said lot or lots are in a group of lots having a combined frontage in excess of 200 feet and are under a single lease and are used for a single purpose.

13. (1) A service connection charge shall be levied against every lot or parcel of land having a sewer service connection to the sewer main.

(2) The service connection charge is \$6.66 per annum.

14. (1) The charge payable for use of the Park sewer system is in accordance with the annual rates for the different types of occupancy listed in the Schedule hereto.

(2) Halls, hallways, vestibules, bathrooms, pantries and closets shall not be considered rooms, for the purpose of fixing sewer rates.

15. (1) Where any building used for dwelling purposes is altered to accommodate two or more families, such building may at the discretion of the Superintendent be classed as containing more than one self-contained

National Parks Act—continued

dwelling, and each portion of the building so classified shall be deemed a self-contained dwelling for the purpose of fixing the sewer rate for such dwelling.

(2) Where any building is altered so as to increase or reduce the number of rooms or the floor area, or to alter the use of the said building, a revision of the sewer charges shall be made, effective from the commencement of the semi-annual period next following the date of such alterations.

(3) Where any building is altered so as to reduce the number of rooms or the floor area, or to alter the use of the building and any claim is made for reduction of the sewer rates by reason of such decrease in size or alteration, notice thereof in writing shall be given the Superintendent not less than thirty clear days prior to the date of the semi-annual period next succeeding.

(4) The type of occupancy and effect of changes and alterations shall be determined by the Superintendent in classifying the use of the building for the purposes of application of the Schedule of rates.

16. (1) All sewer rates, taxes and charges for the year 1954 are due and payable on demand.

(2) All sewer rates, taxes and charges for the year 1955 and for each year thereafter are due and payable in equal semi-annual instalments on the 1st day of April and the 1st day of October in each year.

17. If there are no arrears, a discount of ten percent shall be allowed when payment is made on or before the fifteenth day of the month in which any such account falls due.

18. (1) The charges referred to in section 14 are based on the term of occupancy; the minimum charge shall be not less than one half the yearly charge, except in the case where the premises remain unoccupied for one year, when no charge shall be made.

(2) The general sewer tax, the special sewer tax and connection charges are fixed yearly charges.

(3) Churches, schools and buildings appurtenant thereto other than buildings used for dwelling purposes, are exempt from general sewer taxes and special sewer taxes.

19. Notwithstanding anything in the Schedule hereto, the Minister may in any special case enter into an agreement with the owner or authorized representative of any hospital, railway company, hotel, auto bungalow camp or business licensed to operate in the Park to connect to the Park sewer system at rates which the Minister may consider fair and just having regard to the circumstances of the case and the use to be made of the service.

20. In the case of any sewer service not expressly provided for in the Schedule hereto, the Minister may fix a rate commensurate with the circumstances in each case and the rate so determined shall have the same force and effect as if authorized hereunder, but in all other respects the application for such sewer service shall be subject to these regulations.

National Parks Act—continued

Schedules of Rates

1. Self-contained dwelling: includes residences, apartments, self-contained consisting of at least four rooms, suites self-contained consisting of at least four rooms, equivalent accommodation 2 tourist cabins, 2 motel suites	\$ 4.74
2. Accommodation dwelling rooms for rental, per room	0.95
3. Hotel, per room (for rent or staff)	0.95
4. Restaurants:	
Type A: more than 300 square yards, total floor area	23.72
Type B: less than 300 square yards and more than 200 square yards, total floor area	18.98
Type C: less than 200 square yards and more than 100 square yards, total floor area	14.23
Type D: less than 100 square yards, total floor area	9.49
5. Commercial laundry or public campground	33.21
6. Beverage Rooms:	
Type A: between 600-1,000 square yards, total floor area	47.44
Type B: between 400-600 square yards, total floor area	33.21
Type C: less than 400 square yards, total floor area	23.72
7. Stores and general business establishments	8.07
8. Entertainment establishment, dance halls, movie theatres, bowling alleys, etc.	8.07
9. Service stations and garages:	
Type A: Restrooms only	14.23
Type B: Restrooms and car washing facilities	21.35
10. Churches, schools and institutions (not operated at public expense), community hall, etc.	3.32

20. Waterton Lakes National Park Water Regulations

P.C. 1954-1851

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the National Parks Act, is pleased to make the annexed "Regulations for the control and management of waterworks systems in Waterton Lakes National Park", and they are hereby made and established, accordingly.

National Parks Act—continued

REGULATIONS FOR THE CONTROL AND MANAGEMENT OF THE WATERWORKS
SYSTEM IN WATERTON LAKES NATIONAL PARK

1. These regulations may be cited as the *Waterton Lakes National Park Water Regulations*.

2. In these regulations,

- (a) "business" includes trade, calling, industry, employment, profession and occupation;
- (b) "Department" means Department of Northern Affairs and National Resources;
- (c) "Minister" means Minister of Northern Affairs and National Resources;
- (d) "owner" means the lessee of a lot in the townsite or the lessee or licensee of any parcel of land in Waterton Lakes National Park;
- (e) "Park" means Waterton Lakes National Park;
- (f) "street" includes a lane; and
- (g) "Superintendent" means the Superintendent of Waterton Lakes National Park and includes any person authorized to act for or in the name of the Superintendent.

3. (1) No person shall trespass on lands in a Park which have been designated by the Superintendent as a source of domestic water supply and the boundaries of such lands shall be marked by the Superintendent with appropriate signs.

(2) No person shall deposit refuse or any other substance in a lake or stream which is a source of water supply or in a water intake or upon the frozen surface of any such lake, stream or water intake or in the vicinity of a lake, stream or water intake which the Superintendent has designated by signs as a source of domestic water supply.

(3) No person shall fish, bathe or do washing in a lake, stream or water intake which is a source of water supply.

(4) No person shall construct or maintain a well for the supply of domestic water for his use or for the use of any other person without the permission of the Superintendent.

4. No person shall tamper with or damage any water hydrant, valve, stop-cock, pipe or other waterworks appliance outside his own premises.

5. No person shall make any connection with a Park water main or with a water pipe connected with a Park water main without the permission in writing of the Superintendent.

6. (1) Every building erected on a lot which fronts or abuts on a street on which a Park water main has been laid shall

- (a) be connected with the waterworks system of the Park; and
- (b) be supplied with a separate water pipe from the street line and a separate cock to control the water supply.

(2) Where there are two or more buildings on a lot the Superintendent may exempt any garage or building on the lot which is appurtenant to a building connected with the Park water main from the provisions of subsection (1).

National Parks Act—continued

(3) Subsection (1) does not apply to an uninhabited building.

(4) Every surveyed lot or parcel of land, with or without improvements, occupied or unoccupied, within the townsite shall be subject to water taxes.

7. (1) Application for the use of water from the Park waterworks system shall be made on the prescribed form, which may be obtained from the Superintendent.

(2) The application shall be signed by the owner of the premises or his agent duly authorized in writing and shall state the purpose for which the water is required.

8. (1) All expenses incurred in connection with the tapping of a Park water main and the laying of a water pipe from the Park water main to the street line will be paid by the Department, but

(a) where extra cost for excavation work due to frost conditions is involved, such additional cost shall be charged to and paid on demand by the applicant for water; and

(b) where the street has been improved by a boulevard, sidewalk or pavement of a permanent character the applicant desirous of making a connection with the Park water main shall pay the cost of both removing and restoring such boulevard, sidewalk or pavement as may be required in making the installation.

(2) The applicant shall deposit with the Superintendent, when required by him to do so, the amount necessary to defray such additional cost before the work is undertaken.

9. (1) The water pipe connection from the street line into a building shall be made by and at the expense of the applicant for water service.

(2) The materials and workmanship used in the connection shall be subject to the approval of the Superintendent.

10. (1) An applicant who receives a permit for the installation of a water service pipe shall cause the pipe to be placed not less than six feet below the surface of the ground throughout the entire distance between the street line and the inner side of the foundation wall of his building.

(2) Where a connection to a Park water main in the waterworks system is installed for seasonal use only, such connection shall be made at a depth stipulated by the Superintendent.

11. (1) The Superintendent may enter at all reasonable times any building connected with the waterworks system to examine the plumbing and to ascertain the quantity of water used and the manner of its use.

(2) The Superintendent may turn off the water supply in cases where he finds any fixture or appliance in the building out of order and causing a waste of water.

(3) In such cases the water supply shall not be turned on until the owner of the premises has made or caused to be made the necessary repairs to the satisfaction of the Superintendent or until he has satisfied the Superintendent that the waste will be discontinued.

12. (1) The Superintendent may shut off or interrupt the supply of water for such periods as he may deem necessary when

National Parks Act—continued

- (a) it is expedient to make repairs to the waterworks system or to construct new mains or other works; or
- (b) in the case of a conflagration or other circumstances over which the Department has no control.

(2) The occupant of premises shall have no claim for damages for loss sustained as a result of the supply of water being shut off or interrupted.

13. The owner or occupier of any premises connected with the waterworks system shall not sell or otherwise permit water to be taken away from the premises by any person.

14. (1) Subject to subsection (3), the assessed value of each lot or parcel of land in Waterton Lakes Park Townsite for the purposes of these regulations is the assessed value placed on such lot or parcel of land in the last revised assessment roll of Waterton Park School District No. 4233.

(2) A general water tax at the rate of 3·2 mills on the dollar shall be levied by the Superintendent on the assessed value of all lots or parcels of land in Waterton Lakes Park Townsite for the year 1954, and each year thereafter.

(3) In the case where a lot or parcel of land is improved subsequent to the revision of the last revised school district assessment roll, or is not included in such assessment roll, the Superintendent may re-assess such lot or parcel.

15. (1) A special water tax at the rate of \$0.05 per unit for the year 1954 and each year thereafter shall be levied against each lot or parcel of land fronting or abutting on a street along which a Park water main has been laid and on all lots or parcels served by a Park water main.

(2) Such unit is the frontage of the lot in linear feet plus the area of the lot or parcel in square feet divided by 150.

(3) The following rules shall apply in determining the frontage of any lot or parcel.

1. The frontage of an inside lot is the width of the lot fronting the street on which the Park water main is laid.

2. The frontage of an inside lot fronting or abutting on two streets, both having water mains, is the width of the lot fronting the street from which connections have been made, but when more than one building has been erected on the lot and connections have been made to both mains the lot shall be considered as two parcels of land for purposes of the special water tax in proportion to the ground floor area of the building.

3. Except as provided by rule 4, the frontage of a lot shall be the width of the lot along one street only, such street to be determined by the Superintendent.

4. The frontage of a corner lot at an intersection of water mains is the frontage along the width of the lot and twenty-five feet along the depth thereof, except that where the depth of the lot is less than twenty-five feet the frontage shall be the entire width and depth of the lot.

5. When a lot is subdivided each portion thereof shall be considered as a separate lot.

National Parks Act—continued

6. The Superintendent may designate as an irregular lot, any lot the width of which is deemed to be out of proportion to the width of a lot of average size; the frontage of an irregular lot shall be deemed to be that number which is in the same ratio to the frontage of the nearest lot of regular size in the same block as the area of the irregular lot is to the area of the regular lot, but if such irregular lot has been subdivided and two or more buildings erected thereon which have been connected with the water system, the width of the lot shall be the total frontage, subject to the condition that the frontage of an irregular lot shall not be less than the frontage of the nearest lot of regular shape in the same block with the same number of buildings thereon.

7. The frontage of a lot or lots without buildings or containing buildings of less than 300 square feet floor area shall be half the width of such lot or lots where the said lot or lots are in a group of lots having a combined frontage in excess of 200 feet and are under a single lease and are used for a single purpose.

16. (1) A service connection charge shall be levied against every lot or parcel of land having a water service connection to a Park water main.

(2) The service connection charge in \$6.22 per annum.

(3) A service charge of fifty cents is payable each time the water connection is turned on or off.

17. (1) The charge payable for the use of water from the Park waterworks system is in accordance with the annual rates for the different types of occupancy listed in the Schedule hereto.

(2) Halls, hallways, vestibules, bathrooms, pantries and closets, shall not be considered rooms for the purpose of fixing water rates.

18. (1) Where any building used for dwelling purpose is altered to accommodate two or more families, such building shall, at the discretion of the Superintendent, be classed as containing more than one self-contained dwelling and each portion of the building shall be deemed to be a self-contained dwelling for the purpose of fixing the water rate.

(2) Where any building is altered so as to increase the number of rooms or the floor area or to alter the use of the said building, a revision of the water charges will be made, effective from the commencement of the semi-annual period next following the date of such alteration.

(3) Where a building is altered so as to reduce the number of rooms or the floor area or to alter the use of said building, and any claim is made by reason of such decrease in size or alteration of the said building, notice in writing shall be given to the Superintendent not less than thirty clear days prior to date of the commencement of the semi-annual period next following.

(4) The type of occupancy and the effect of changes and alterations in any building shall be classified by the Superintendent for the purposes of application of the Schedule of rates.

19. (1) No person shall take water from the waterworks system for construction purposes without the permission of the Superintendent in writing.

National Parks Act—continued

(2) The application for water to be used for construction purposes shall be in writing and contain an estimate of the quantity of brick, stone, cement, plaster or other material for which the water is required.

(3) The water charges at the rates listed in the Schedule hereto are payable in advance but where the quantities of materials used exceed the amount of the estimate, the applicant shall pay the additional amount.

20. (1) All rates, taxes and charges for water for the year 1954 are due and payable on demand.

(2) All rates, taxes and charges for water for the year 1955 and for each year thereafter are due and payable in equal semi-annual instalments on the 1st day of April and the 1st day of October in each year.

21. If there are no arrears, a discount of ten per cent shall be allowed when payment is made on or before the 15th day of the month in which any account falls due.

22. (1) The charges prescribed by section 17 are based on the term of occupancy; the minimum charge shall be not less than one-half the yearly charge, except in a case where the premises remain unoccupied for one year, when no charge shall be made.

(2) The general water tax, the special water tax and connection charges are fixed yearly charges.

(3) Churches, schools and buildings appurtenant thereto, other than buildings used for dwelling purposes, are exempt from general water taxes and special water taxes.

23. When the water service is completely shut off for a period of not less than ten clear days pursuant to section 12 the owner of the building whose water supply has been suspended shall be granted a rebate of the charges based on consumption for the actual period of suspension and provision for such rebate shall be made in the next semi-annual account.

24. The owner of premises which are connected to the waterworks system in the Park who neglects or fails to notify the Superintendent in writing of his intention to vacate is liable for all water charges and also for damage, if any, caused to the waterworks system by such neglect or failure.

25. When a water service has been shut off pursuant to notice and the premises remain unoccupied for a period of six months or more, the owner of the premises is not liable for payment of charges for use of water during such six month period.

26. Notwithstanding anything in the Schedule hereto, the Minister may in any special case enter into an agreement with the owner or authorized representative of any hospital, railway company, hotel, auto bungalow camp or business licensed to operate in the Park to furnish water from the Park waterworks system at rates which the Minister may consider fair and just having regard to the circumstances of the case and the use to be made of the service.

27. In the case of any water service not expressly provided for in the Schedule hereto, the Minister may set a rate commensurate with the circumstances in each case and the rate, so determined, shall have the same force and effect as if authorized hereunder, but in all other respects the application for such water service shall be subject to these regulations.

National Parks Act—continued

Schedule of Rates

1. Self-contained dwelling: includes residences, apartments self-contained consisting of at least four rooms, suites self-contained consisting of at least four rooms. Equivalent accommodation 2-tourist cabins, 2 motel suites.....	\$ 5.24
2. Accommodation dwelling rooms for rental, per room.....	1.05
3. Hotels, per room (for rent or staff).....	1.05
4. Restaurants	
Type A—more than 300 square yards total floor area.....	26.52
Type B—less than 300 square yards and more than 200 square yards total floor area.....	20.91
Type C—less than 200 square yards and more than 100 square yards total floor area.....	15.75
Type D—less than 100 square yards total floor area.....	10.50
5. Commercial laundry or public campground.....	36.71
6. Beverage Rooms	
Type A—between 600 and 1000 square yards total floor area..	52.44
Type B—between 400 and 600 square yards total floor area..	36.71
Type C—less than 400 square yards total floor area.....	26.52
7. Stores and general business establishments.....	8.92
8. Entertainment establishments, dance halls, movie theatres, bowling alleys, etc.....	8.92
9. Service stations and garages	
Type A—rest rooms only	15.73
Type B—rest rooms and car washing facilities.....	23.60
10. Churches, schools and institutions (not operated at public expense), community halls, etc.....	3.68
11. Construction purposes	
Plaster or stucco, per 100 square yards.....	.30
Brick, per thousand.....	.20
Stone or concrete, per cubic yard.....	.15

21. National Parks General Regulations

P.C. 1954-1918

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the National Parks Act, is pleased to order as follows:

1. The Regulations of the National Parks, established by Order in Council P.C. 5045 of 8th December, 1947, as amended, are hereby revoked; and

National Parks Act—continued

2. The annexed “General Regulations for the Control and Management of National Parks” are hereby made and established in substitution for the regulations hereby revoked.

GENERAL REGULATIONS FOR THE CONTROL AND MANAGEMENT
OF NATIONAL PARKS

1. These regulations may be cited as the *National Parks General Regulations*.

Interpretation

2. In these regulations,

- (a) “Director” means the Director of the National Parks Branch;
- (b) “Minister” means the Minister of Northern Affairs and National Resources;
- (c) “Park” means any National Park;
- (d) “regulations” means regulations made under the provisions of the National Parks Act;
- (e) “Superintendent” means the Superintendent of a Park and includes any person authorized to act for or in the name of a Superintendent; and
- (f) “year” means the fiscal year commencing April 1 in any year to March 31 in the year following.

Leases and Licences

3. (1) Where the value of a lot in a townsite or subdivision is less than five thousand dollars, a lease of such lot for any term not exceeding forty-two years may be issued

- (a) by the Minister; or
- (b) by an officer of the Department of Northern Affairs and National Resources acting on behalf of the Minister pursuant to general or specific authority from the Minister.

(2) Where the value of a parcel of public land outside a townsite or subdivision is less than five thousand dollars, a lease or licence of such parcel for any term not exceeding twenty-one years may be issued

- (a) by the Minister; or
- (b) by an officer of the Department of Northern Affairs and National Resources acting on behalf of the Minister pursuant to general or specific authority from the Minister.

(3) All lease and licence forms shall be approved by the Minister.

(4) Where the value of the lot or the parcel to be leased or licensed does not exceed five thousand dollars, the rental or licence fee shall be fixed by the Minister.

4. No lease shall be issued for public lands outside a townsite or subdivision until the lands have been surveyed in accordance with the provisions of the Canada Lands Surveys Act.

5. The Minister may, from time to time, arrange to have public lands in a Park surveyed or re-surveyed

- (a) into lots in townsites or other subdivisions;

National Parks Act—continued

- (b) for the purposes of schools, hospitals, churches and the entertainment of persons visiting the Park; and
- (c) for the purposes of a cemetery.

6. (1) No person shall drive a boat propelled by motor on any water in a Park unless

- (a) the boat has been licensed under the National Parks Businesses Regulations for commercial purposes; or
- (b) the owner of the boat is authorized to operate the boat for pleasure only by a permit of the Superintendent.

(2) The Superintendent may suspend for a period not exceeding thirty days any permit issued for the operation of a motor boat if the permittee violates any Park regulation or any condition of his permit.

(3) The Director may cancel any permit issued for the operation of a motor boat if the permittee violates any Park regulation or any condition of his permit, or if the Director is of the opinion that the interests of the Park require such cancellation.

7. The Superintendent may, in his discretion, prohibit the use of any boat, canoe, raft or float on any water in a Park.

8. (1) No person shall moor any boat or canoe to any dock, wharf or jetty in a Park for a period of more than forty-eight hours without first having obtained a permit from the Superintendent.

(2) No person owning or operating a boat or canoe shall occupy for a period of more than forty-eight hours any boat stall or space at any dock or wharf normally set aside for the mooring of boats or canoes without having first obtained a permit in writing from the Superintendent.

(3) The fee for such permit shall be that fixed by the Minister.

9. There shall be a reservation for the use of the public of one hundred feet in width along the shore of each lake, river or stream within a Park and any licence or lease of public lands in a Park shall be subject to such reservation.

Preservation of Property

10. No person shall cut or remove any trees on any lot or area of land for which he has been issued a lease or licence except those trees for which the Superintendent has granted permission in writing.

11. No person shall pick wild flowers or remove any shrubs or plants from Park lands, but the Director may issue permits for the taking of flowers, shrubs and plants for scientific purposes.

12. (1) No person shall deface any natural object in a Park, or wilfully injure any tree, shrub, flower or grass on any boulevard or grass plot on any street, park or public place.

(2) No person shall remove, deface, damage or destroy any signboard, sign or notice posted or placed in a Park by the Superintendent, or any public building, fence or other structure in a Park.

13. No person shall remove or displace any rock, mineral, fossil or other object of natural curiosity or interest in a Park without permission in writing from the Director.

National Parks Act—continued

14. No person shall pollute any stream or body of water, or obstruct any stream in a Park except as authorized by the Director for the purpose of taking water for domestic and railway purposes under permit.

15. No person shall display in a Park any advertisement other than that authorized by the Superintendent or by any Park regulation.

Prevention of Nuisances

16. (1) Where, in the opinion of the Superintendent or the Park Medical Health Officer, a nuisance exists on any privately held premises, the Superintendent or Medical Health Officer may order the owner, lessee or occupant of the premises to abate the nuisance and cleanse the premises.

(2) Where the owner, lessee or occupier of any premises in which a nuisance exists fails, after due notice from the Superintendent or the Medical Health Officer, to abate the same the Superintendent may take such steps as are necessary to abate the nuisance.

(3) The owner, lessee or occupier of the premises shall pay the cost thereof.

17. No rubbish or any matter of any offensive nature shall be deposited anywhere in a Park except in such places and at such times and under such conditions as the Superintendent shall designate.

18. No earth-pit privy, out-closet or privy vault shall be erected or used in any townsite or subdivision in which a water and sewer system has been installed.

19. (1) All earth-pit privies, out-closets or privy vaults on property which cannot be serviced by a Park water and sewer system shall be of such a design with proper screening, ventilating shaft, seat covers and self closing door as the Superintendent may approve.

(2) Such privies, closets or vaults shall be

(a) located at such distance from any dwelling, well or other water supply that they will not, in the opinion of the Superintendent, create a nuisance or pollute a well or other water supply; and

(b) kept painted, maintained and screened with trees or lattice work.

20. (1) All buildings in a Park used for purposes of residence, business or tourist accommodation shall be provided with a plumbing system including an adequate supply of potable water and suitable sanitary fixtures, but buildings in outlying areas may be supplied with sanitary privies, chemical closets or other such conveniences as the Superintendent may approve.

(2) Where there is no public sewer system, sewage shall be drained into a septic tank.

(3) Such septic tank shall be equipped to chlorinate the effluent if the Superintendent considers such chlorination necessary.

21. (1) Any person occupying a campground or picnic ground in a Park shall at all times maintain the area in a condition satisfactory to the Superintendent and when vacating the property shall restore such ground as nearly as possible to its natural condition.

(2) All refuse shall be destroyed or buried, except that where incinerators or trash baskets are provided, all refuse, waste paper or other material being discarded shall be placed therein.

National Parks Act—continued

22. (1) The Superintendent may summarily remove from a Park, upon the order of the Director, any person who by his disorderly conduct or behaviour is guilty of an offence under the Criminal Code.

(2) No person who has been removed from a Park under subsection (1) shall enter or attempt to enter any Park without the permission in writing so to do from the Director.

Trail Trips and Guidings

23. Any person, whether accompanied by a guide or otherwise, who proposes making a trail trip which involves camping out over night or climbing a mountain shall

- (a) before departure register with the Superintendent or at such place as may be provided by the Superintendent the names and addresses of the members of the party, the date of departure, the route to be travelled, the proposed duration of their stay in such Park, a list of firearms carried by the party and such other information as may be required by the Superintendent; and
- (b) on return register with the Superintendent or at such place as may be provided by the Superintendent.

24. Every guide employed by any party travelling through a Park and camping out over night or climbing a mountain shall

- (a) before departure register with the Superintendent or at such place as may be provided by the Superintendent the names and addresses of the members of the party, the date of departure, the route to be travelled, the proposed duration of their stay in such Park, a list of firearms carried by the party and such other information as may be required by the Superintendent; and
- (b) on return register with the Superintendent or at such place as may be provided by the Superintendent.

25. The fees which guides may charge for their services are subject to the approval of the Minister.

26. (1) The Minister shall approve the maximum rates which may be charged for the following types of conveyances:

- (a) motor and horse-drawn vehicles;
- (b) saddle and pack horses;
- (c) water craft; and
- (d) chair lifts, ski lifts and ski tows.

(2) No person shall charge a higher rate than that approved by the Minister.

27. Every person renting horses for trail outings shall provide himself with a copy of these regulations and shall ensure that each person to whom he rents horses is acquainted with these regulations.

Sand, Stone and Gravel

28. (1) No person shall remove any sand, stone, gravel or other building material in a Park without first obtaining a permit from the Superintendent.

(2) Such permit shall stipulate the area from which such materials may be taken.

National Parks Act—continued

(3) All sand, stone, gravel or other material shall be used for construction purposes only in a Park.

(4) The fees payable under subsection (1) are

(a) Permit fee \$1.00

(b) Each cubic yard or less of sand, stone, gravel or other building material removed in any Park25

Hay

29. (1) No person shall cut any hay within a Park without first obtaining a permit therefor from the Superintendent.

(2) A permit to cut hay shall be issued only to cut hay for the permittee's own use and not for barter or sale.

(3) Hay must be cut only from the area specified in the permit and all haying operations must be carried on in a manner satisfactory to the Superintendent.

(4) The fees payable under subsection (1) are

(a) Permit fee \$1.00

(b) Each ton or less of hay cut50

Water

30. (1) The Director may issue yearly permits for taking water from any stream or lake for domestic and railway water supply purposes within a Park.

(2) Before any permit is issued the applicant shall submit detailed drawings of the proposed installation and satisfy the Director that the water supply obtainable is satisfactory in all respects for the purpose for which it is required.

(3) The fee payable in each year for a permit issued under this section is two dollars, but such fee may be increased in the discretion of the Minister.

31. (1) The Minister may enter into an agreement with a municipality or water district adjacent to a Park or other person residing on land adjacent to a Park for a supply of water from the Park for domestic purposes.

(2) The rate payable for such water supply under any such agreement shall be fixed by the Minister.

Miscellaneous

32. (1) The lessee of any lot in a townsite in which residence or the operation of a business is permitted during the winter months shall remove the snow from the sidewalk in front of such lot.

(2) Such snow shall be removed within a period of twelve hours following any snowfall.

33. The laws of the province in which a Park is situate respecting the sale of intoxicating beverages apply in a Park, but no person shall be granted permission to sell any intoxicating beverage in a Park unless the application therefor has been approved by the Minister and the applicant has secured a licence therefor under the National Parks Business Regulations.

National Parks Act—concluded

34. (1) The Superintendent may fix the days and the hours of the day during which swimming pools, bathhouses, golf courses, lawn bowling greens and tennis courts operated by the Government of Canada in the Parks shall be open to the public.
- (2) Except with the permission of the Superintendent, no person shall enter upon or use any swimming pool, bathhouse, golf course, lawn bowling green or tennis court operated by the Government of Canada in the Parks when they are closed to public use.
- (3) The fees payable for the use of swimming pools, bathhouses, golf courses, lawn bowling greens and tennis courts operated by the Government of Canada in the Parks shall be those approved by the Minister.

Office Fees

35. The fees payable for the issue of a lease, licence, consent to transfer and for other clerical services are as follows:
- | | |
|--|--------|
| Preparation or tracing of plans of surveys, buildings,
per hour | \$1.50 |
| Certified copy of lease, licence or other document relating
to Park lands | 2.00 |
| Consent to the transfer of a lease or licence | 3.00 |
| Issue of a lease for a lot within a townsite | 5.00 |
| Issue of a licence for lands outside a townsite | 5.00 |
| Issue of a permit to take water in a Park | 3.00 |

Interest Rate on Outstanding Accounts

36. Interest at the rate of five per cent per annum shall be payable on all accounts due the Crown for rental, charges for municipal services and any other charges in the National Parks which are not paid within three months from the date on which such accounts become due.

NATIONAL TRADE MARK AND TRUE LABELLING ACT.

(R.S.C., 1952, c. 191)

	Page
1. <i>Fur garments, labelling of</i>	2452
2. <i>Babcock test bottles and pipettes, standards for</i>	2456
3. <i>Turpentine, regulations re labelling</i>	2459
4. <i>Hosiery marking regulations</i>	2461

1. Labelling of fur garments

P.C. 2336

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 16th day of May, 1951.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and by virtue of the powers conferred by the National Trade Mark and True Labelling Act, is pleased to order as follows:

National Trade Mark and True Labelling Act—continued

1. The Regulations respecting the Labelling of Fur Garments, established by Order in Council P.C. 4636 of 13th September, 1949, are hereby revoked; and

2. The annexed "Regulations respecting the Labelling of Fur Garments" are hereby made and established in substitution for the Regulations hereby revoked.

REGULATIONS RESPECTING THE LABELLING OF FUR GARMENTS

1. In these regulations.

- (a) "blended", as applied to any fur, means that the surface of the fur has been treated by brushing with reagents to change its colour;
- (b) "dealer", means any person engaged in the business of selling fur garments;
- (c) "descriptive label" means anything that purports to designate or describe any fur in any garment including label, display card, ticket or tag, whether attached to such garment or not, invoice, receipt, bill of sale or other trade documents, and advertisement or poster;
- (d) "fur" means the skin of any animal, whether fur-bearing, hair-bearing, or wool-bearing, that is not in the unhaired condition;
- (e) "fur garment" means any coat, jacket, cape, detached cuff, detached collar, scarf, cap, hat, glove or muff, the whole or part of the outer surface of which is trimmed with fur or consists of fur;
- (f) "origin", as applied to a fur, means the continent in which the pelt was removed from the animal;
- (g) "pointed", as applied to a fur, means that hairs from any other peltry have been attached individually or in small groups to such fur;
- (h) "tipped", as applied to any fur, means that individual hairs or small groups of hairs have been treated to change their colour;
- (i) "true fur name", as applied to any fur, means the name set out in the Schedule hereto that is appropriate to that fur.

2. No dealer shall use a descriptive label in association with a fur garment unless the descriptive label is marked as required by these regulations.

3. (1) A descriptive label used in association with a fur garment shall be marked clearly and legibly in accordance with the following requirements:

- (a) it shall bear the true fur name for the fur in the garment as set forth in the Schedule hereto;
- (b) if the fur in the garment has been dyed, blended, tipped or pointed, it shall so indicate;
- (c) if the garment contains more than one kind of fur, it shall bear the true fur name for all the kinds of fur in the garment;
- (d) if the garment is made of paws, necks, tails, bellies or other pieces of fur, or of used or second-hand fur, it shall so indicate.

(2) In Part I of the Schedule hereto, trade names used in the fur trade to designate particular furs are listed and, opposite each such trade name, the true fur name therefor. If any such trade name is marked on a

National Trade Mark and True Labelling Act—continued

descriptive label, the true fur name therefor shall also be marked clearly and legibly thereon immediately either before or immediately after the trade name, and may be marked in parentheses.

(3) In Part II of the Schedule hereto, true names of furs originating in the various continents of the world are listed.

(4) If, in any case, the Minister of Trade and Commerce is satisfied that the trade names, true fur names or origins listed in the Schedule hereto are inconsistent with or inadequate for designations in the fur trade, he may give such special directions or make such orders as he may deem necessary, in the circumstances.

4. No descriptive label used in association with a fur garment shall, by implication or otherwise, include a false indication of the origin of the fur in the garment; provided that correctly marking a descriptive label with a trade name and its true fur name in accordance with subsection (2) of section 3, without further reference to a country or continent of origin of the fur in the garment with which the descriptive label is associated, shall not be deemed to be a contravention of this section.

Schedule**PART I—FUR TRADE NAMES AND TRUE FUR NAMES**

<i>Fur Trade Name</i>	<i>True Fur Name</i>	<i>Fur Trade Name</i>	<i>True Fur Name</i>
Alaskan Mouton	Sheared processed Lamb	Lapin	Dyed Sheared Rabbit
Alaska Sable	Natural or Dyed Skunk	Laskin Beaver	Sheared processed Lamb
American Broadtail	Sheared processed Lamb	Laskin Mouton	Sheared Processed Lamb
Arctic Seal	Dyed Rabbit	Lincoln Lamb	Sheared processed Lamb
Australian Seal	Dyed Rabbit	Manchurian Fox	Dyed Chinese Dog
Baby Beaver	Dyed Rabbit	Manchurian Wolf	Dyed Chinese Dog
Baffin Seal	Dyed Rabbit	Marmink	Dyed Marmot
Baltic Fox	Dyed Rabbit	Mendoza Beaver	Dyed Rabbit
Baltic Leopard	Dyed Rabbit	Moline	Dyed Rabbit
Baltic Seal	Dyed Rabbit	Moufflon	Goat
Baltic Tiger	Dyed Rabbit	Mountain Sable	Dyed Ringtail Cat or Dyed Bassarisk
Bay Seal	Dyed Rabbit	Near Seal	Dyed Rabbit
Beaverette	Dyed Rabbit	Nordic Seal	Dyed Rabbit
Belgium Beaver	Dyed Rabbit	Northern Seal	Dyed Rabbit
Belgium Lynx	Dyed Rabbit	Nubian Seal	Dyed Rabbit
California Mink	Ringtail Cat or Bassarisk	Nutria Seal	Dyed Nutria
Chinese Lynx	Dyed Chinese Dog or Chinese Rabbit	River Mink	Muskrat
Chinese Wolf	Chinese Dog	Russian Leopard	Dyed Rabbit
Coney	Dyed Rabbit	Russian Marten	Dyed Opossum
Electric Beaver	Dyed Rabbit	Russian Seal	Dyed Rabbit
Electric Seal	Dyed Rabbit	Sable Fox	Dyed Red Fox
Erminette	Dyed Rabbit	Sealine Seal	Dyed Rabbit
Fox Lapaw Seal	Fox Paw	Siberian Seal	Dyed Rabbit
French Beaver	Dyed Rabbit	South American Beaver	Nutria
French Chinchilla	Dyed Rabbit	Squirrel Sable	Dyed Squirrel
French Leopard	Dyed Rabbit	Squirrellette	Dyed Rabbit
French Sable	Dyed Rabbit	Squirreline	Dyed Rabbit
French Seal	Dyed Rabbit	Super Seal	Dyed Rabbit
Genet	Dyed or Natural Cat	Twin Beaver	Dyed Rabbit
Glo Seal	Dyed Rabbit	Vicrina Fox	Dyed Sheep
Hudson Bay Sable	North American Marten	Wolf Fox	Dyed Dogskin
Hudson Seal	Dyed Muskrat		

National Trade Mark and True Labelling Act—*continued*

Schedule

PART II—TRUE NAMES OF FURS AND THEIR CONTINENTS OF ORIGIN

Africa

Fox	Jackal	Leopard	Seal
Gazelle	Lamb	Monkey	Sheep
Hyena	Persian Lamb	Otter	

Asia

Angora	Fitch	Lynx	Sable
Astrachan	Fox	Marmot	Fur Seal
Badger	Goat	Baum Marten	Sheep
Bear	Hare	Marten	Solongoi
Broadtail	Hyena	Mink	Squirrel
Burunduki	Jackal	Mole	Flying
Calf	Kid	Moufflon	Squirrel
Caracul	Kolinsky	Otter	Susliki
Lynx Cat	Lamb	Pahmi	Tibetine
Cheetah	Chinese Lamb	Peschaniki	Weasel
Chinese Civet	Persian Lamb	Pony	Wolf
Dog	Lasky	Rabbit	Wolverine
Ermine	Leopard	Raccoon	

Australia

Fox, Red	Koala	Ringtail	Wallaby
Hare	Lamb	Opossum	Wallaroo
Kangaroo	Opossum	Rabbit	Wombat
		Sheep	

Europe

Badger	Ermine	Lamb	Mole	Squirrel
Bear	Fitch	Lynx	Otter	Susliki
Burunduki	Fox	Marmot	Peschaniki	Weasel
Calf	Hamster	Baum Marten	Pony	Wolf
House Cat	Hare	Stone Marten	Rabbit	Wolverine
Spotted Cat	Jackal	Mink	Sable	Caracul
Wild Cat	Krimmer	Muskrat	Sheep	

North America

Badger	Fisher	Muskrat	Hair Seal
Bear	Fox	Mole	Wool Seal
Beaver	Goat	Opossum	Sea Otter
House Cat	Hare	Otter	Sheep
Lynx	Jaguar	Rabbit	Skunk
Wild Cat	Lamb	Raccoon	Squirrel
Chipmunk	Lynx	Ringtail Cat	Weasel
American Civet	Marten	or Basserisk	Wolf
Coyote	Mink	Fur Seal	Wolverine

South America

Spotted Cat	Jackal	Nutria	Seal
Chinchilla	Jaguar	Ocelot	Sheep
Fox	Lamb	Opossum	Skunk
Guanaco	Llama	Otter	Viscasha
Guanaquito	Marmoset	Rabbit	

National Trade Mark and True Labelling Act—*continued***2. Babcock Test Bottles and Pipettes**

P.C. 2375

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 16th day of May, 1951.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the powers conferred by the National Trade Mark and True Labelling Act, is pleased to order as follows:

1. The Regulations respecting Babcock Test Bottles and Pipettes, established by Order in Council P.C. 3173 of 9th August, 1948, are hereby revoked; and

2. The following "Regulations respecting Babcock Test Bottles and Pipettes" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING BABCOCK TEST BOTTLES AND PIPETTES*Application of National Trade Mark*

1. For the purpose of these regulations, "Babcock Test bottle" or "Babcock pipette" means, respectively, a glass bottle or a glass pipette which is suitable for use as a measure in the determination of the percentage of fat in milk and milk products by the Babcock method.

2. The requirements of these regulations do not apply to Babcock Test bottles or Babcock pipettes to which the national trade mark is not applied.

3. The national trade mark shall not be applied to a Babcock Test bottle or Babcock pipette except one which conforms to the requirements and specifications set forth in these regulations and except by applying thereto the initials "C.S." in the following manner:

- (a) each such bottle and pipette to which it is desired to apply such mark shall be submitted to the Director of Standards, Department of Trade and Commerce, Ottawa, for verification of its conformity with these regulations;
- (b) when so verified, the initials "C.S." shall be etched on or applied by chemical or abrasive means to the bottle or pipette by or under direction of the Director of Standards.

General Requirements applicable to Bottles and Pipettes

4. (1) Each Babcock Test bottle and Babcock pipette shall conform to the following requirements:

- (a) the glass shall be colourless and transparent, be free from striae, bubbles and occlusions which might affect its serviceability, be adequately resistant to chemical action and have small thermal hysteresis;

National Trade Mark and True Labelling Act—continued

- (b) the apparatus shall have been thoroughly annealed and allowed to cool slowly for twenty-four hours before being graduated.
- (2) Each Babcock Test bottle and Babcock pipette shall bear
 - (a) a registered trade mark or the name of a manufacturer or dealer, and
 - (b) such specific marks as are elsewhere required by these regulations, applied clearly and legibly by sand-blasting, etching or engraving.

*Detailed Requirements applicable to Bottles***5. Types**

Every Babcock Test bottle shall be one of the following types:

Type "A"—known commercially as an 8 per cent, 18 gram, short neck (six inch) milk test bottle.

Type "B"—known commercially as a 50 per cent, 9 gram, short neck (six inch) cream test bottle.

Type "C"—known commercially as a 50 per cent, 9 gram, long neck (nine inch) cream test bottle.

Type "D"—known commercially as a 50 per cent, 18 gram, long neck (nine inch) cream test bottle.

Type "E"—known commercially as a 50 per cent, 18 gram, short neck (six inch) cream test bottle.

6. Specifications

Every Babcock Test bottle shall conform to the following specifications:

- (a) *graduation*: all bottles shall be so graduated that each one per cent interval at 20° C. will represent a volume of 0·2 ml. if it is of type "A", "D", or "E", and a volume of 0·1 ml. if it is of type "B" or "C";
- (b) *bulb*: the bulb of any bottle shall
 - (i) have a capacity of not less than 45 ml. or more than 55 ml. below the junction of the neck;
 - (ii) be either cylindrical or conical in shape, with the smallest diameter at the bottom;
 - (iii) if cylindrical, have an outside diameter between 34 and 36 mm.;
 - (iv) if conical, have an outside diameter at the base between 31 and 33 mm. and a maximum diameter between 35 and 37 mm.;
- (c) *neck*: the neck shall be cylindrical for at least 5 mm. beyond each end of the graduated portion, and the top shall be flared so as to have a diameter of not less than 10 mm.;
- (d) *height, graduation and charge*: each bottle shall, according to its type, conform to the following table in respect of its maximum and minimum height, the total range of its graduations, the minimum length of its graduated portion, the equivalent of interval between adjacent graduations, the percentages that are to be indicated by numbers and the charge to be indicated on the bottle;

National Trade Mark and True Labelling Act—continued

	Type "A"	Type "B"	Type "C"	Type "D"	Type "E"
Maximum overall height—in mm.	165	165	230	230	165
Minimum overall height—in mm.	150	150	210	210	150
Total range indicated by graduations	8%	50%	50%	50%	50%
Minimum length of graduated portion—in mm.	63·5	63·5	120	120	63·5
Equivalent of interval between adjacent graduations	0·1%	0·5%	0·5%	0·5%	0·5%
Percentage to be indicated by numbers	Each 1%	Each 5%	Each 5%	Each 5%	Each 5%
Charge of bottle—grams (to be marked at top of neck)	18	9	9	18	18

- (e) *maximum permissible error*: no graduation mark shall be in error by more than the equivalent of the required interval between it and the next adjacent graduation mark;
- (f) *graduation marks*: the graduation marks and numbers on all bottles shall be as follows:
- (i) the minimum length of any required graduation mark shall be 3 mm.;
 - (ii) on any bottle of type "A", the graduation marks corresponding with 0·5% shall be 1 mm. longer than those corresponding with 0·1% and project 1 mm. to the left; and the marks corresponding with 1·0%, being numbered marks, shall extend half-way around the neck to the right and project 2 mm. to the left of the mark corresponding with 0·1%;
 - (iii) on any bottle of type "B", "C", "D" or "E", the graduation marks corresponding with 1·0% shall be 2 mm. longer than those corresponding with 0·5% and project 2 mm. to the left; and the marks corresponding with 5·0%, being numbered marks, shall extend half-way around the neck to the right and project 4 mm. to the left of the marks corresponding with 0·5%;
 - (iv) on all bottles, the numbers shall be placed immediately to the left of the marks to which they relate and shall not encroach on any graduation mark.

Detailed Requirements applicable to Pipettes

7. Every Babcock pipette shall conform to the following specifications:

(a) Dimensions and Delivery time:

- (i) the total length shall not exceed 330 mm.;
- (ii) the outside diameter of the suction tube shall be from 6 mm. to 8 mm.;
- (iii) the length of the suction tube shall be from 125 mm. to 135 mm.;
- (iv) the outside diameter of the delivery tube shall be from 4·5 mm. to 5·5 mm.;
- (v) the length of the delivery tube shall be from 100 mm. to 120 mm.;
- (vi) the distance of the graduation mark above the bulb shall be from 15 mm. to 45 mm.;
- (vii) the delivery time shall be from 5 to 8 seconds;

National Trade Mark and True Labelling Act—continued

- (b) *calibrated volume*: the pipette shall be calibrated to contain 17·6 ml. of water at 20° C. with a tolerance of 0·05 ml.;
- (c) *jet*: the jet shall be made with a gradual taper which, at the extreme end, shall be slight so that there is no sudden constriction at the orifice; and the end of the jet shall be fire polished and made square with the axis of the pipette;
- (d) *graduation mark*: the graduation mark shall be a fine, clearly etched, permanent line of uniform thickness, carried completely around the suction tube and lying in a plane perpendicular to the axis of the pipette;
- (e) *inscriptions*: in addition to a registered trade mark or the name of the manufacturer or dealer, each pipette shall bear the inscriptions "T.C.", "17·6 ml." and "20° C."

3. Labelling of Turpentine

P.C. 6653

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 11th day of December, 1951.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the powers conferred by the National Trade Mark and True Labelling Act, is pleased to make the annexed "Regulations respecting the Labelling of Turpentine", and they are hereby made and established, accordingly.

*Regulations Respecting the Labelling of Turpentine**Definitions*

1. In these regulations,
 - (a) "destructively distilled wood turpentine" means a liquid obtained by the destructive distillation of the wood of coniferous trees;
 - (b) "gum spirits of turpentine" means a liquid obtained by steam-distillation of the gum of coniferous trees;
 - (c) "label" means any advertisement, poster or display card, any invoice or receipt, or any ticket, tag, label or mark that has reference to any turpentine;
 - (d) "steam distilled wood turpentine" means a liquid obtained by steam-distillation of the wood of coniferous trees;
 - (e) "sulphate wood turpentine" means a terpene liquid obtained as a by-product of the manufacture of chemical wood pulp;
 - (f) "turpentine" means any of the four products known commercially as gum spirits of turpentine, steam distilled wood turpentine, sulphate wood turpentine and destructively distilled wood turpentine; and "kind of turpentine" means any of such four products and no others.

Labelling Requirements

[illegible]

National Trade Mark and True Labelling Act—continued

- (d) *Testing methods:* Except as hereinbefore specified, all tests required by these regulations shall be made by the appropriate method prescribed in the procedure entitled "Tentative Methods of Sampling and Testing Turpentine" as published from time to time by the American Society for Testing Materials.

(2) Turpentine may be described in a label as "pure turpentine" or as "pure spirits of turpentine", if it consists solely of one of the kinds of turpentine defined in section 1, it being optional to indicate such kind in the label.

Turpentine Substitute

7. No label of a liquid which is a mixture of turpentine and any other material shall contain the word "turpentine" unless

- (a) the word "turpentine" is immediately preceded or followed by the word "substitute" in letters of the same size as in the word "turpentine", and
- (b) each material other than turpentine contained in the liquid is stated in the label, and
- (c) the proportion of turpentine and proportion of each other material in the liquid is shown in the label by percentage of volume, and
- (d) the proportion of turpentine in the liquid is at least fifty per cent of the volume.

Identity of Manufacturer or Distributor

8. Every label which describes the liquid in a container as turpentine or a kind of turpentine or a turpentine mixture or a substitute for turpentine shall bear the name or registered trade mark of the manufacturer or wholesale distributor or retail distributor of the liquid.

4. Hosiery Marking Regulations

P.C. 1953-41

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 14th day of January, 1953.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Trade and Commerce and pursuant to section five of the National Trade Mark and True Labelling Act, is pleased to order as follows:

1. The Regulations for Marking Material Content on Hosiery, established by Order in Council P.C. 3477 of 9th August, 1948, are hereby revoked; and

2. The annexed regulations entitled "The Hosiery Marking Regulations" are hereby made and established in substitution for the regulations hereby revoked.

National Trade Mark and True Labelling Act—continued*The Hosiery Marking Regulations*

1. In these regulations,

- (a) “cotton” means the product made from the fibrous material of the cotton plant;
- (b) “hosiery” includes all types and kinds of socks, stockings, anklets and goods of a similar nature, circular or full fashioned, that are produced or sold in Canada;
- (c) “label” includes any advertisement, poster, display card, invoice, receipt, ticket, tag, sticker or mark that has reference to any hosiery;
- (d) “linen” means the product made from the fibrous material of the flax plant;
- (e) “material content” means the fibre yarn, thread, strand or fabric composed of any textile fibre or a combination of two or more of them;
- (f) “nylon” means a textile fibre or yarn made from chemically produced protein-like materials known as “polyamides”,
- (g) “rayon” means the textile fibre or yarn produced chemically from cellulose or with a cellulose base;
- (h) “silk” means natural silk, the product of the cocoon of the silk worm; and
- (i) “wool” means the product of the fleece of a sheep, lamb, angora goat or camel or other like natural animal fibre.

2. (1) No hosiery shall be marked with a false or misleading description of its material content and, if the material content of any hosiery is described in a mark thereon, it shall be described in accordance with these regulations.

(2) If the material content of any hosiery is marked thereon, it shall be marked on at least one member of each pair and the material content of the other member shall correspond in every respect with the member so marked.

3. No label shall contain a false or misleading description of the material content of any hosiery associated with the label, and if the material content of any hosiery is described in a label, it shall be described in accordance with these regulations.

4. If hosiery is composed of only one material content, exclusive of the components described in brackets in the paragraphs hereunder, such material content shall, if marked on the hosiery or described in a label, be marked or described in accordance with the following:

- (a) hosiery shall not be marked or described as silk unless it is composed wholly of silk (exclusive of heel, sole and toe splicing or reinforcing; welt or cuffs; looping, elastic, wrap and embroidery yarns or threads), in which case, if it contains no metallic weighting material, it may be marked or described as “silk”, “pure thread silk”, “pure dyed silk”, or “real silk”, but if it contains any metallic weighting material it shall be marked or described as “weighted silk”:

National Trade Mark and True Labelling Act—continued

- (b) hosiery shall not be marked or described as wool unless at least ninety-five per cent of its material content by weight consists of wool (exclusive of heel and toe splicing or reinforcing; seaming, looping, elastic, wrap and embroidery yarns or threads), in which case it may be marked or described as "wool"; "all wool", "pure wool" or "100 per cent wool";
- (c) hosiery shall not be marked or described as rayon unless it is wholly composed of rayon (exclusive of heel, sole and toe splicing or reinforcing; welt or cuffs; looping, elastic, wrap and embroidery yarns or threads), in which case it may be marked or described as "rayon", "all rayon" or "pure rayon";
- (d) hosiery composed wholly of cotton (exclusive of elastic webbing) may be marked or described as "cotton", "all cotton" or "pure cotton";
- (e) hosiery shall not be marked or described as nylon unless it is composed wholly of nylon (exclusive of heel, sole and toe reinforcing or splicing; looping, seaming, elastic, wrap and embroidery yarns or threads), in which case it may be marked or described as "nylon", "all nylon" or "pure nylon"; in the case of women's full length hosiery, the welt may also be exempted for fibre marking purposes; and
- (f) hosiery shall not be marked or described as any other fibre or yarn, whether animal, vegetable or mineral, unless it is composed wholly of such fibre or yarn (exclusive of heel, sole and toe reinforcing or splicing; looping, seaming, elastic, wrap and embroidery yarns or threads), in which case it may be marked or described in the same manner as nylon hosiery is authorized in paragraph (e) to be marked or described.

5. If the material content of any hosiery (exclusive of heel, sole and toe reinforcing or splicing; looping, seaming, elastic, wrap and embroidery yarns or threads), is composed of two or more textile fibres, the material content, if marked on the hosiery or described in a label, shall be marked or described in accordance with the following:

- (a) each constituent fibre that represents more than five per cent of the hosiery by weight shall be accurately designated in the order of its predominance by weight, beginning with the greatest single constituent by weight, and in letters of equal size; so that hosiery composed by weight of wool, fifty per cent, silk, twenty-five per cent, and rayon, twenty-five per cent, shall be marked or described as "wool, silk, rayon", and any other combination of fibres shall be marked or described in like manner; and
- (b) a fibre forming less than five per cent of the material content of any hosiery (exclusive of exempted portions) may not be marked or described in any manner whatsoever.

6. The fibre content of the exempted portions of the hosiery need not be described but, if described, shall be shown only with a description of the material content as a whole; except that if any fibre is added to hosiery solely for the purpose of heel and toe reinforcing, such reinforcing may be indicated without describing the material content of the hosiery.

7. (1) No words descriptive of or implying a textile fibre content shall be used except in combination with the word or words authorized or required by these regulations to be used in marking or describing the actual fibre content of hosiery.

National Trade Mark and True Labelling Act—concluded

(2) Descriptive terms, including, “botany”, “lisle”, “mercerized”, “crepe” and “chiffon”, shall not be used in a mark or label except in combination with the description of a fibre, such as “botany wool”, “lisle cotton”, “mercerized cotton”, “rayon crepe” and “silk chiffon”.

8. The material content of clocks, trim, stripes or other kinds of decorations which are not superimposed decorations but are knitted into the fabric of hosiery as an integral part of the fabric and constitute over five per cent of the fabric by weight shall, if the material content of the hosiery is marked on the hosiery or described in a label, be marked or described in accordance with the preceding provisions of these regulations.

9. If the material content of any hosiery is described, it shall, in addition to the other requirements of these regulations, indicate if the hosiery is other than first quality or standard.

10. Marking in accordance with weight under these regulations shall be based upon the weight of the average size of the style of hosiery that is marked, such styles and average sizes being as follows:

<i>Style</i>	<i>Average Size</i>
Women’s hosiery	10
Misses’ hosiery	9
Men’s hosiery	11
Boy’s half hose and anklets	9
Boys’ golf hosiery	9
Children’s hosiery	8
Infant’s hosiery	5

11. All markings authorized or required by these regulations, except those referring to superimposed decorations, shall be in the same size and prominence of type.

NAVIGABLE WATERS PROTECTION ACT. (R.S.C., 1952, c. 193)

	Page
1. <i>Great Lakes seamen’s security regulations</i>	2464
2. <i>Exemptions Great Lakes seamen’s security regulations</i>	2468
3. <i>Cable ferry regulations</i>	2469
4. <i>Navigable waters bridges regulations</i>	2470
5. <i>Burlington Channel navigation regulations</i>	2472

1. Great Lakes Seamen’s Security Regulations

P.C. 1954-862

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 10th day of June, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and by virtue of the powers conferred by section 34 of the Navigable Waters Protection Act, is pleased to make the annexed “Great Lakes Seamen’s Security Regulations”, and they are hereby made and established, accordingly.

Navigable Waters Protection Act—continued

GREAT LAKES SEAMEN'S SECURITY REGULATIONS

1. The regulations may be cited as the *Great Lakes Seamen's Security Regulations*.

2. In these regulations,

- (a) "Canadian ship" means a ship registered in Canada, and includes a ship owned, or operated under charter or lease, by a person who resides in Canada;
- (b) "Great Lakes" means Lakes Ontario, Erie, Huron (including Georgian Bay), Michigan and Superior and their connecting waters and includes the St. Lawrence River as far east as the lowest exit of the Lachine Canal and the Victoria Bridge at Montreal;
- (c) "Minister" means the Minister of Labour;
- (d) "provisional Seaman's Card" means a provisional Seaman's Card issued under these regulations;
- (e) "regular Seaman's Card" means a regular Seaman's Card issued under these regulations; and
- (f) "seaman" means a person employed in any capacity on board a ship and includes the master of a ship.

3. These regulations shall be administered by the Minister of Labour.

Seamen's Cards

4. No person shall employ a seaman on board a Canadian ship in the Great Lakes, unless the seaman is the holder of a provisional or regular Seaman's Card.

5. No person shall accept employment or act as a seaman on board a Canadian ship in the Great Lakes, unless he is the holder of a provisional or regular Seaman's Card.

Issue of Seamen's Cards

6. A person may apply to the Minister through a National Employment Office for the issue to him of a Seaman's Card.

7. Application for a Seaman's Card shall be made in a form prescribed by the Minister and shall be accompanied by three photographs of the applicant of a standard passport size (two and one-quarter inches by one and one-half inches), taken not more than one year before the application and the officer of the National Employment Service to whom the application is delivered shall cause the applicant to furnish him at that time to accompany the application, prints of the fingers and thumbs of both of the applicant's hands taken in the presence of the officer in the manner prescribed by the Minister.

8. The Minister may authorize an officer of the Department of Labour or the Unemployment Insurance Commission to receive applications for Seamen's Cards and, under his control and direction, to issue the Cards.

Navigable Waters Protection Act—continued

9. The Minister may refuse to issue a Seaman's Card to a person applying therefor if he is satisfied that the presence of the applicant on board a Canadian ship in the Great Lakes might prejudice the security of Canada.

10. (1) Where a person to whom a Seaman's Card has been issued loses his Card he shall report the loss immediately to the master of the ship on board which he is employed and also to the nearest National Employment Office.

(2) The master of the ship on board which the person who loses his Card is employed shall, upon receiving the report of the loss, enter the loss of the Card in the ship's log.

Revocation of Seamen's Cards

11. Where, after the issue of a Seaman's Card to a person, the Minister is satisfied that the presence of that person on board a Canadian ship in the Great Lakes might prejudice the security of Canada, he may require that person to deliver his Seaman's Card to a National Employment Office or to such officer or person as may be designated by the Minister for that purpose.

Review

12. A person whose application for a Seaman's Card has been refused or who has been required to deliver his Seaman's Card pursuant to section 11 may by application in writing to the Minister request that the refusal or requirement be reviewed by an advisory committee.

13. (1) The Minister shall appoint committees of not less than three members, herein referred to as "advisory committee", to advise him with respect to reviews requested under section 12.

(2) An advisory committee shall inquire into and investigate whether the presence of the person who has requested the review on board a Canadian ship in the Great Lakes might prejudice the security of Canada, and shall report its views with respect thereto to the Minister.

(3) An advisory committee shall, subject to the direction of the Minister, furnish to the person who has requested the review such information made available to it as in the opinion of the committee it is possible to furnish to him without prejudice to the security of Canada and the public interest, and shall afford to that person an opportunity to make representations to it either personally or with the assistance of counsel or other representative.

(4) The chairman, or any member of an advisory committee, may administer oaths for the purposes of this section, and an advisory committee may receive and accept such evidence on oath or by affidavit or otherwise as in its discretion it considers fit and proper.

(5) The Minister may make rules as to the manner in which requests for review may be made and disposed of, including the service of any notice or other document in connection therewith.

(6) Subject to any rules which may be made by the Minister, an advisory committee shall determine its own procedure for the disposition of any requests for review referred to it by the Minister.

Navigable Waters Protection Act—continued

14. The Minister may, after considering the report of an advisory committee to whom a request for review has been referred, grant or refuse to grant a Seaman's Card to the person requesting the review, and the Minister's decision shall be final.

General

15. A Seaman's Card shall be in such form as shall be prescribed by the Minister.

16. A Seaman's Card is the property of Her Majesty in right of Canada notwithstanding that it has been issued to an applicant under these regulations.

17. The Minister may at any time require the holder of a Seaman's Card to surrender the Card in exchange for another card.

18. Where a person to whom a Seaman's Card has been issued fails or refuses to deliver up the Card when required by the Minister to do so under these regulations the Card may be recovered by the Minister as the property of Her Majesty.

19. (1) Immediately prior to each sailing of a Canadian ship from any port in the Great Lakes, the master of the ship shall require every seaman on board the ship to produce his provisional or regular Seaman's Card, and the master shall not cause his ship to sail if any seaman on board the ship is not the holder of a provisional or regular Seaman's Card, as the case may be.

(2) No Customs Officer shall grant customs clearance to a Canadian ship sailing from any port in the Great Lakes unless he has been furnished with a certificate by the master of the ship that every seaman on board the ship is the holder of a provisional or regular Seaman's Card.

(3) Any Peace Officer as defined in the Criminal Code, or any other person authorized to act on behalf of the Minister for the purposes of these regulations, may at any time require a seaman to produce his provisional or regular Seaman's Card, and the seaman shall thereupon produce his provisional or regular Card as the case may be.

20. Except as provided in these regulations, no person who is the holder of a Seaman's Card shall deliver possession of the Card to any other person or permit any other person to use the Card for any purpose whatsoever provided that, with the consent of the holder, a Seaman's Card may be placed for safe-keeping in the custody of the master of the ship on board of which the holder is employed, but any Card so placed in custody shall be delivered to the holder at any time at his request.

21. The Minister may by order exempt from the operation of these regulations, in whole or in part, any person or class of persons or any ship or class of ships, either generally or in respect of any particular area or areas, or for any period of time.

22. The Minister may request the co-operation of any department or branch of the Public Service of Canada in the administration of these regulations, and every such department or branch shall furnish the Minister with such assistance as may be required.

Navigable Waters Protection Act—continued*Offences*

23. Every one who,

- (a) knowingly furnishes any false information or material in or in support of an application for a Seaman's Card or in a certificate required by subsection (2) of section 19, or
- (b) contravenes or fails to comply with any provision of these regulations,

is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Continuation

24. (1) A provisional or regular Seaman's Card issued under the Great Lakes Seamen's Security Regulations, established by Order in Council P.C. 2306 of May 2, 1952, (hereinafter called the old regulations) shall be deemed to have been issued under these regulations, and a form prescribed by the Minister under the old regulations shall be deemed to have been prescribed by the Minister under these regulations.

(2) The old regulations shall be deemed to have been revoked and these regulations shall be deemed to have been substituted therefor, and the *Interpretation Act* applies accordingly.

2. Exemptions, Great Lakes Seamen's Security Regulations**EXEMPTION ORDER**

Pursuant to section twenty-one of the Great Lakes Seamen's Security Regulations, established by Order in Council P.C. 1954-862 of 10th June, 1954, the classes of persons listed hereunder are hereby exempted from the operation of the said regulations:

1. All persons employed on board fishing vessels that do not pass through any canal or lock;

2. All police officers operating harbour patrol boats and the crews of harbour fire-fighting boats;

3. All persons employed as labourers on a casual basis for salvage operations;

4. All persons employed as labourers on a casual basis for dredging operations, except persons employed on board dredges, towboats or scows operating in or passing through any canal or lock;

5. All persons engaged in the transportation or handling of pulpwood or logs and in the construction and maintenance of pulpwood and log storages or booms, other than the personnel of tugboats and other vessels engaged in the towing or transportation of pulpwood or logs, but including the operators of work boats exclusively engaged in such operations in storage areas and in salvaging pulpwood or logs from shore areas; and

6. Any person employed on a casual basis in effecting emergency repairs on a ship and who cannot obtain a Seaman's Card without delaying unduly the ship's sailing, provided that, in each such case, the master

Navigable Waters Protection Act—continued

- (i) makes an entry in the ship's log and
- (ii) notifies in writing the Executive Director of the Unemployment Insurance Commission at Ottawa,

setting forth in such entry and such notification the nature of the repair, the name, occupation and place of residence of the person so employed and the duration of his employment on board the ship.

Dated at Ottawa, this 16th day of June, 1954.

M. F. GREGG,
Minister of Labour.

3. Cable Ferry Regulations

P.C.1954-1481

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 30th day of September, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 31 of the Navigable Waters Protection Act, is pleased to order as follows:

1. The regulations to govern the establishment and use of cable ferries in navigable waters, established by Order in Council P.C. 1266 of 29th June, 1910, are hereby revoked; and
2. The annexed "Regulations to govern the establishment and use of cable ferries in navigable waters" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS TO GOVERN THE ESTABLISHMENT AND USE OF CABLE FERRIES
IN NAVIGABLE WATERS

1. These regulations may be cited as the *Cable Ferry Regulations*.
2. No cable ferry may be established across any navigable water until full details of the proposed ferry have been submitted for the consideration and approval of the Minister of Transport, and until his consent in writing has been obtained.
3. Every cable ferry shall be indicated by a beacon placed as close as possible to one end thereof in such a position as to be conspicuously visible for at least six hundred yards on each side of the ferry; from sunrise to sunset the beacon shall consist of two squares of stiff material, each not less than two feet square, one pure white and the other bright red, hung on a mast, at night these boards shall be supplemented or replaced by lamps, red and white respectively; such beacon shall indicate whether or not the ferry cable actually forms an obstruction to navigation; if it forms an obstruction, the red sign shall be above the white one; if not the white sign shall be uppermost.
4. Beacon lamps shall be lighted and kept burning brightly from half an hour before sunset until half an hour after sunrise.

Navigable Waters Protection Act—continued

5. The operator of a ferry shall ensure that the beacon is properly fixed and maintained in good working order, and that appropriate signals are shown, during day and night, in accordance with these regulations.

6. The operator of a ferry shall, to ensure the safety of small craft and allow their passage at all times, cause the cable to be suspended either at a sufficient height to leave at least two feet clearance from the water at a point where the water is at least three feet deep and thirty feet from the banks towards the middle of the passage, or with sufficient slack to give at least four feet of water over the cable for a width of at least sixty feet in the middle of the passage, or he shall cause the said cable to be kept sunk to the bottom.

7. During the night, from half an hour before sunset to half an hour after sunrise, all ferry cables shall be kept lowered to the bottom, except when required for actual use.

8. Except when sunk or lowered to the bottom, a ferry cable shall be deemed to be a raised cable, whether in actual use or not, and to form an obstruction to navigation.

9. A raised cable shall be lowered to the bottom at any time such may be required to allow a vessel to pass in safety.

10. During the time that any such cable is raised, some competent person shall be in charge thereof who shall upon being notified by whistle, or in any other manner, that a vessel is approaching, lower such cable to the bottom to allow such vessel to pass in safety.

11. The signal to have a ferry cable lowered is two long blasts followed by two short blasts, of the vessel's whistle or horn.

12. Before a ferry cable is raised, and while it remains raised, whether in actual use or not, the signal at the beacon shall be set at danger, the red sign being shown above the white one.

13. No vessel shall proceed to pass a ferry while the danger signal at the beacon is set.

14. Every person violating any of these regulations shall be liable upon summary conviction to the penalty fixed and determined by law.

4. Navigable Waters Bridges Regulations

P.C. 1954-1751

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the Navigable Waters Protection Act, is pleased to order as follows:

1. The regulations for the navigation through or under and the lighting of bridges over navigable waters and canals, established by Order in Council P.C. 3198 of 16th July, 1948, are hereby revoked; and

Navigable Waters Protection Act—continued

2. The annexed “Navigable Waters Bridges Regulations” are hereby made and established in substitution for the regulations hereby revoked.

NAVIGABLE WATERS BRIDGES REGULATIONS

1. These regulations may be cited as the *Navigable Waters Bridges Regulations*.

2. In these regulations:

- (a) “bridge” includes a bridge under construction;
- (b) “Minister” means the Minister of Transport, and
- (c) without restricting the generality of the term, “movable span” includes a lift, draw, swing and jack-knife span.

3. (1) These regulations apply to every bridge over a navigable water constructed after the 17th day of November, 1923, and to any other bridge specified by the Minister; but the Minister may, in his discretion, suspend the application of these regulations to any bridge, either permanently or temporarily.

(2) Notwithstanding subsection (1) these regulations do not apply to any bridge over a canal or over the waters of any public harbour to the extent that these regulations conflict with any other regulations made or approved by the Governor in Council.

4. No plan and description of a proposed bridge that is required by the *Railway Act* to be submitted to the Minister of Transport or by the *Navigable Waters Protection Act* to be submitted to the Minister of Public Works shall be approved unless such plan and description indicate that lights are to be exhibited in compliance with these regulations.

5. Where a bridge consists of more than one span the Minister may prescribe the span or spans through or under which any passage for navigation is approved.

6. (1) At every bridge of one span or where navigation through or under only one span is approved there shall be exhibited a white light on each side of the passage visible to vessels approaching the bridge from either direction.

(2) Where passages are approved for navigation through or under two spans of a bridge there shall be exhibited at each such span a white light on each side of the passage visible to vessels approaching the bridge from the direction that brings such passage to the starboard hand of such vessels.

(3) Where passages are approved for navigation through or under more than two spans of a bridge the Minister shall prescribe the lights to be exhibited.

7. At every moveable span there shall be exhibited, in addition to the lights prescribed by or under section 6, a light that shows red when the passage is closed and green when the passage is open and, if the span is a swing span, a white light at each end of the swing protection.

8. (1) The Minister may prescribe lights and other aids to navigation to be exhibited and used at any bridge in addition to those required by sections 6 and 7.

Navigable Waters Protection Act—continued

(2) The lights to be exhibited at any bridge shall be of such intensity as the Minister may prescribe.

9. The owner of every bridge shall cause to be exhibited, maintained and operated at the bridge the lights and other aids to navigation prescribed by or under these regulations.

10. The owner of every moveable span shall maintain on duty in charge of the span at all times during the season of navigation a responsible person capable of operating the span.

11. (1) The person in charge of a vessel passing through or under a bridge where two passages for navigation are approved shall use the passage on the vessel's starboard side.

(2) The Minister shall make special provisions governing navigation through or under any bridge where more than two passages for navigation are approved.

12. The signal to be given by a vessel for the purpose of having a moveable span opened shall be three long blasts of a whistle or horn.

13. (1) When the signal specified in section 12 is given by a vessel approaching a moveable span the person in charge of the span shall open the span in time to permit the passage to the vessel or as soon thereafter as is reasonably possible.

(2) Notwithstanding subsection (1) the Minister may prohibit the opening of any moveable span during specified periods and the person in charge of the span shall not open it except under such conditions as may be prescribed by the Minister.

(3) The person in charge of a vessel shall not allow the vessel to enter a passage for navigation through or under a moveable span until the span is fully open unless the vessel can safely move under the span while it is closed.

5. Burlington Channel Navigation Regulations

P.C. 1954-1931

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 31 of the Navigable Waters Protection Act, is pleased to order as follows:

1. The Burlington Channel Navigation Regulations, established by Order in Council P.C. 2294 of 9th May, 1949, as amended, are hereby revoked; and

2. The annexed "Burlington Channel Navigation Regulations" are hereby made and established in substitution for the regulations hereby revoked.

Navigable Waters Protection Act—continued

BURLINGTON CHANNEL NAVIGATION REGULATIONS

1. These regulations may be cited as the *Burlington Channel Navigation Regulations*.

2. In these regulations,

(a) "bridge" means a bridge over the channel;

(b) "bridgemaster" means a person actually in charge of a bridge; and

(c) "channel" means the Burlington Channel between Lake Ontario and Hamilton Harbour.

3. No vessel shall move in the harbour at a speed greater than

(a) if the vessel is not over 260 feet in length, eight miles per hour, or

(b) if the vessel is over 260 feet in length, the lowest speed at which the vessel can be safely navigated.

4. No vessel shall, within a half mile of the channel, pass another vessel going in the same direction towards the channel.

5. (1) The signal to be given by a vessel for the purpose of having the bridges opened shall be three long blasts of the whistle or horn.

(2) Before opening the bridges the bridgemaster shall change the fixed red signal lights on the end of the entrance pier and on the end of the central pier, both in the direction of the vessel that is to pass through the channel, to flashing red lights; and when both bridges are opened he shall change the flashing red lights to fixed green lights.

(3) No liability shall be incurred by the Crown in the event of the bridgemaster or his staff failing to give the signals provided for in subsection (2).

6. (1) No vessel shall enter the channel, except in an emergency, until the signal lights provided for in section 5 show green in the direction of the vessel; a vessel that enters the channel while such signal lights do not show green in its direction shall moor at the north wall and shall not proceed until the signal light on the central pier shows green in its direction.

(2) Every vessel approaching a bridge that is not fully open shall be kept at such speed and under such control that it can be stopped well clear of the bridge.

(3) The right of way through the channel shall be given to vessels inward bound from Lake Ontario.

7. (1) On Saturdays, Sundays and holidays from June 15 to September 15 and on July 4, in each year, the bridges shall be opened for yachts, sailboats and other small vessels for five minutes only in every hour, commencing on the hour.

(2) Notwithstanding subsection (1) the bridgemaster may open the bridges at any time to allow the passage of any vessel that appears to him to be in distress or difficulty or that gives a distress signal of five short blasts of the whistle or horn.

Navigable Waters Protection Act—concluded

8. Every person who violates any of the provisions of these regulations, or who is in charge of a vessel that is operated in contravention of any of these regulations, is guilty of an offence and liable on summary conviction to a penalty not exceeding fifty dollars and costs or to imprisonment for a term not exceeding ten days or to both fine and imprisonment.

**NORTHERN PACIFIC HALIBUT FISHERY (CONVENTION) ACT.
(1952-53, c. 43)****Pacific Halibut Fishery Regulations**

The Regulations of the International Pacific Halibut Commission adopted pursuant to the Pacific Halibut Fishery Convention between Canada and the United States of America of March 2, 1953, are made in the spring of each year for the halibut fishing seasons of that year. The Pacific Halibut Fishery Regulations, 1954, were established by Order in Council P.C. 1954-433 of 25th March, 1954 and published in Part II of the *Canada Gazette* on Wednesday, April 14, 1954, at page 221. Copies of the regulations for any year may be obtained on application to the Department of Fisheries, Ottawa.

NORTH PACIFIC FISHERIES CONVENTION ACT. (1952-53, c. 44)**North Pacific Fisheries Convention Regulations**

P.C. 1954-825

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 3rd day of June, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and by virtue of the powers conferred by section 4 of the North Pacific Fisheries Convention Act, is pleased to make the annexed "North Pacific Fisheries Convention Regulations", and they are hereby made and established, accordingly.

NORTH PACIFIC FISHERIES CONVENTION REGULATIONS

These regulations may be cited as the *North Pacific Fisheries Convention Regulations*.

1. No person aboard a Canadian fishing vessel shall fish for, load, process, transport or have in his possession salmon in that area of the Bering Sea that lies east of the line starting from Cape Prince of Wales on the west coast of Alaska, thence running westward to $168^{\circ} 58' 22.59''$ west longitude, thence due south to a point $65^{\circ} 15' 00''$ north latitude, thence along the Great Circle Course which passes through 51° north latitude and 167° east longitude, to its intersection with meridian 175° west longitude, thence south along a provisional line which follows this meridian to the territorial waters limit of Atka Island.

North Pacific Fisheries Convention Act—*continued*

2. Every person who violates section 1 is liable upon summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

3. (1) Whenever a Protection Officer suspects on reasonable grounds that a violation of section 1 has been committed, he may anywhere except within the territorial waters of another country seize

- (a) any fishing vessel by means of or in relation to which he reasonably believes the violation was committed,
- (b) any goods aboard the fishing vessel including fish, tackle, rigging, apparel, furniture, stores and cargo, or
- (c) the fishing vessel and any of the goods mentioned in paragraph (b).

(2) A Protection Officer shall take delivery of any Canadian fishing vessel seized and delivered by a duly authorized official of the United States of America or of Japan pursuant to Article X of the Convention.

(3) Subject to this section, a fishing vessel or goods seized under subsection (1) or delivered to a Protection Officer under subsection (2) shall be retained in the custody of the Protection Officer making the seizure or taking delivery or shall be delivered into the custody of such person as the Minister may direct.

(4) Where fish or other perishable articles are seized under subsection (1) or delivered under subsection (2), the Protection Officer or other person having the custody thereof may sell them, and the proceeds of the sale shall be paid to the Receiver General of Canada or shall be deposited in a chartered bank to the credit of the Receiver General of Canada.

(5) Where a person is convicted of a violation of section 1, the convicting court or judge may, in addition to any other penalty imposed, order that

- (a) any fishing vessel seized under subsection (1) or delivered under subsection (2) by means of or in relation to which the violation was committed,
- (b) any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo, or, if any of the goods have been sold under subsection (4), the proceeds thereof, or,
- (c) the fishing vessel and any of the goods mentioned in paragraph (b), or the proceeds thereof,

be forfeited, and upon such order being made the fishing vessel, goods or proceeds so ordered to be forfeited are forfeited to Her Majesty in right of Canada.

(6) Where a fishing vessel or goods have been seized under subsection (1) or delivered under subsection (2) and the proceedings in respect of the violation have been instituted, the court or judge may, with the consent of the Protection Officer who made the seizure or who received delivery, order re-delivery thereof to the accused upon security by bond, with two sureties, in an amount and form satisfactory to the Minister, being given to Her Majesty.

North Pacific Fisheries Convention Act—concluded

(7) Any fishing vessel or goods seized under subsection (1) or delivered under subsection (2) or the proceeds realized from a sale thereof under subsection (4) shall be returned or paid to the person from whom the fishing vessel or goods were taken if the Minister decides not to institute a prosecution in respect of the violation, and in any event shall be so returned or paid upon the expiration of three months from the day of seizure unless before that time proceedings in respect of the violation are instituted.

(8) Where proceedings in respect of a violation of section 1 have been instituted and a fishing vessel or goods are at the final conclusion of the proceedings ordered to be forfeited, they may be disposed of as the Minister directs.

(9) Where a fishing vessel or goods have been seized under subsection (1) or delivered under subsection (2) and proceedings in respect of the violation have been instituted, but the fishing vessel or goods or any proceeds realized from a sale thereof under subsection (4) are not at the final conclusion of the proceedings ordered to be forfeited, they shall be returned or the proceeds shall be paid to the person from whom the fishing vessel or goods were taken, unless there has been a conviction and a fine imposed in which case the fishing vessel or goods may be detained until the fine is paid, or the fishing vessel and the goods may be sold under execution in satisfaction of the fine, or the proceeds realized from a sale of any of the goods under subsection (4) may be applied in payment of the fine.

NORTHWEST ATLANTIC FISHERIES CONVENTION ACT.**(1953-54, c. 18)****Northwest Atlantic Fisheries Convention Regulations**

P.C. 1954-824

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 3rd day of June, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and by virtue of the powers conferred by section 3 of the Northwest Atlantic Fisheries Convention Act, is pleased to make the annexed "Northwest Atlantic Fisheries Convention Regulations", and they are hereby made and established, accordingly.

NORTHWEST ATLANTIC FISHERIES CONVENTION REGULATIONS

These Regulations may be cited as the *Northwest Atlantic Fisheries Convention Regulations*.

1. In these regulations,

(a) "Minister" means the Minister of Fisheries; and

(b) "sub-area 5" means that portion of the Convention area, including all waters except territorial waters, bounded by a line beginning

Northwest Atlantic Fisheries Convention Act—continued

at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel at a point in $44^{\circ} 46' 35.34''$ north latitude, $66^{\circ} 54' 11.23''$ west longitude; thence due south to the parallel of $43^{\circ} 50'$ north latitude; thence due west to the meridian of $67^{\circ} 40'$ west longitude; thence due south to the parallel of $42^{\circ} 20'$ north latitude; thence due east to a point in $66^{\circ} 00'$ west longitude; thence along a rhumb line in a southeasterly direction to a point in $42^{\circ} 00'$ north latitude, $65^{\circ} 40'$ west longitude; thence due south to the parallel of $39^{\circ} 00'$ north latitude; thence due west to the meridian of $71^{\circ} 40'$ west longitude; thence due north to a point on the coast of Rhode Island in $71^{\circ} 40'$ west longitude.

2. (1) Subject to this section, no person on board a fishing vessel under the jurisdiction of Canada shall fish for or take Haddock (*Melanogrammus aeglefinus*) in sub-area 5 with a trawl net having a mesh size less than four and one-half inches when measured wet after use, or having a mesh size when measured dry before use less than the equivalent of four and one-half inches when measured wet after use.

(2) For the purposes of this section, the four and one-half inch mesh size when measured wet after use shall be deemed to be

- (a) in the cod end of the net, the average of the measurements of each mesh in any series that is at least ten meshes from the lacings of fifty consecutive meshes running parallel to the long axis of the cod end and beginning at the after end of the cod end, and
- (b) in any part of the net other than the cod end, the average of the measurements of each mesh in any series of twenty consecutive meshes that is at least ten meshes from the lacings

when measured with a flat, wedge-shaped gauge having a taper of two inches in nine inches and a thickness of three thirty-seconds of an inch, inserted into the meshes under a pressure of not less than ten nor more than fifteen pounds.

(3) Subsection (1) does not apply to a person who, in the course of fishing for fish other than haddock, takes a quantity of haddock not exceeding

- (a) 5,000 pounds avoirdupois, or
- (b) ten per cent of all fish on the vessel from which the fishing is conducted,

whichever is the greater.

(4) This section does not apply to a Canadian Government fisheries research vessel or any other vessel authorized by the Minister to use a smaller mesh for purposes of scientific investigation.

3. (1) Subject to subsection (2), no person on board a fishing vessel that is operating in sub-area 5 shall use any device by means of which the mesh in any part of a trawl net is obstructed or diminished.

(2) Notwithstanding subsection (1) a person may attach canvas, netting or other material to the underside of the cod-end of a trawl net for the purpose of preventing or reducing wear and tear.

Northwest Atlantic Fisheries Convention Act—continued

4. Every person who violates any of the provisions of section 2 or 3 is liable upon summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one month or to both fine and imprisonment.

5. A Protection Officer may anywhere in the Convention area

- (a) go on board of any fishing vessel subject to the jurisdiction of Canada,
- (b) bring the fishing vessel into port and search her cargo, and
- (c) examine the master or any member of the crew upon oath touching the cargo and voyage.

6. (1) Whenever a Protection Officer suspects on reasonable grounds that any provision of these regulations has been violated, he may anywhere except in the territorial waters of another country seize any goods aboard a fishing vessel by means of or in relation to which he reasonably believes the violation was committed, including fish, tackle, rigging apparel, furniture, stores and cargo.

(2) Subject to this section, goods seized under subsection (1) shall be retained in the custody of the Protection Officer making the seizure or shall be delivered into the custody of such person as the Minister directs.

(3) Where fish or other perishable articles are seized under subsection (1) the Protection Officer or other person having the custody thereof may sell them, and the proceeds of the sale shall be paid to the Receiver General of Canada or shall be deposited in a chartered bank to the credit of the Receiver General of Canada.

(4) Where a person is convicted of a violation of these regulations, the convicting court or judge may, in addition to any other penalty imposed, order that any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo, or, if any of the goods have been sold under subsection (3), the proceeds thereof, be forfeited, and upon such order being made the goods or proceeds so ordered to be forfeited, are forfeited to Her Majesty in right of Canada.

(5) Where goods have been seized under subsection (1) and proceedings in respect of the violation have been instituted, the court or judge may, with the consent of the Protection Officer who made the seizure, order re-delivery thereof to the accused upon security by bond, with two sureties, in an amount and form satisfactory to the Minister, being given to Her Majesty.

(6) Any goods seized under subsection (1) or the proceeds realized from a sale thereof under subsection (3) shall be returned or paid to the person from whom the goods were taken if the Minister decides not to institute a prosecution in respect of the violation, and in any event shall be so returned or paid upon the expiration of three months from the day of seizure unless before that time proceedings in respect of the violation are instituted.

(7) Where goods have been seized under subsection (1) and proceedings in respect of the violation have been instituted, but the goods or any proceeds realized from a sale thereof under subsection (3) are not at the final conclusion of the proceedings ordered to be forfeited, they shall be returned or the proceeds shall be paid to the person from whom the goods

Northwest Atlantic Fisheries Convention Act—concluded

were taken, unless there has been a conviction and a fine imposed in which case the goods may be detained until the fine is paid, or the goods may be sold under execution in satisfaction of the fine, or the proceeds realized from a sale of any of the goods under subsection (3) may be applied in payment of the fine.

NORTHWEST TERRITORIES ACT. (R.S.C., 1952, c. 331)

	Page
1. <i>Seat of Government of Northwest Territories</i>	2479
2. <i>Tariff of fees applicable to criminal cases and inquests</i>	2479
3. <i>Northwest Territories Reindeer Regulations</i>	2481

1. Seat of Government of Northwest Territories

P.C. 1087

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 20th day of May, 1922.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of the Interior, and under the provisions of section 5, chapter 62, Revised Statutes of Canada, 1906, is pleased to order and doth hereby order that the seat of Government of the Northwest Territories be fixed as the City of Ottawa, County of Carleton, Province of Ontario, which has been the actual seat of such Government since the 24th August, 1905, the date upon which Mr. Fred White of Ottawa was appointed Commissioner of the Northwest Territories.

2. Tariff of Fees applicable to Criminal Cases and Inquests

P.C. 2750

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 17th day of June, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and pursuant to the provisions of section 71 of the Northwest Territories Act, Revised Statutes of Canada, 1927, chapter 142, is pleased to order as follows:

1. The Tariff of Fees and expenses to be paid to Crown Prosecutors, Sheriffs, Clerks of Court, Coroners, Justices of the Peace, Witnesses, Jurors, Interpreters and Stenographers, established by Order in Council P.C. 147 of 29th January, 1889, as amended, is hereby revoked; and

Northwest Territories Act—continued

2. The following Tariff of Fees is hereby fixed and established as the Tariff of Fees to be paid to Witnesses, Jurors and Interpreters, Coroners, and Stenographers attending criminal trials and inquests and for post mortem examinations in the Northwest Territories, namely:

*Tariff of Fees Applicable to Criminal Cases and Inquests
in the Northwest Territories*

1. *Witnesses, Jurors and Interpreters:*

- (1) For each day while necessarily engaged in going to, attending at, or returning from any criminal proceedings ..\$ 5.00
- (2) Actual travelling and living expenses of witnesses, jurors or interpreters who reside more than two miles from the place of trial may be allowed, if approved by the Sheriff or presiding magistrate or judge
- (3) Professional men called to testify by the Crown may be allowed for each day in attendance and in addition to their actual travelling and living expenses the sum of 10.00

2. *Coroners:*

- (1) For taking inquisitions\$25.00
- (2) Summoning jury50
- (3) Empanelling jury 1.00
- (4) Summons for witness, each25
- (5) Warrants for arrest, each 1.00
- (6) When a coroner uses his own motor vehicle in connection with any proceeding he will be allowed, per mile, for the distance necessarily travelled the sum of15

When it is necessary for a coroner to travel by air or water the authority of the Commissioner of the Northwest Territories must first be obtained otherwise the expenses may not be approved.

All necessary travelling expenses, hotels, meals, or other services must, if possible, be covered by proper vouchers which are to be attached to the account, which will be submitted to the Commissioner for taxation by the Deputy Minister of Justice.

3. *Post Mortem Examinations:*

The physician or surgeon who makes any post mortem examination to determine the cause of a death may be paid a fee of ..\$50.00

4. *Stenographers:*

- (1) For each day attending to record testimony, the sum of ..\$10.00
- (2) For transcribing evidence, per folio15
- (3) For each additional copy, per folio10

5. *Civil Servants:*

The fees prescribed herein shall not be paid to any Crown prosecutor, sheriff, witness, juror, interpreter, coroner, stenographer or medical officer who is a Civil Servant.

Northwest Territories Act—continued**3. Northwest Territories Reindeer Regulations**

P.C. 1954-1921

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the Northwest Territories Act, is pleased to make the annexed "Regulations for the management and protection of reindeer in the Northwest Territories", and they are hereby made and established, accordingly.

**REGULATIONS FOR THE MANAGEMENT AND PROTECTION OF
REINDEER IN THE NORTHWEST TERRITORIES***Short Title*

1. These regulations may be cited as the *Northwest Territories Reindeer Regulations*.

Interpretation

2. In these regulations,

- (a) "export" means to send, ship or otherwise convey or cause to be sent, shipped or otherwise conveyed from or out of the Territories to any place outside the Territories;
- (b) "grazing allotment" means an area described in a grazing licence;
- (c) "herder" means a person who has been engaged by the Minister or his representative or by an owner to herd reindeer;
- (d) "hunting" includes chasing, pursuing, molesting, worrying, injuring, following after or on the trail of, stalking or lying in wait for the purpose of taking reindeer, and any shooting at reindeer whether or not the reindeer is then or subsequently captured, killed or injured;
- (e) "licence" means a licence issued under these regulations;
- (f) "maverick" means an unmarked reindeer;
- (g) "Minister" means the Minister of Northern Affairs and National Resources;
- (h) "officer" means a Superintendent, game officer, member of the Royal Canadian Mounted Police or other person authorized by the Minister for the purpose of carrying out the provisions of these regulations;
- (i) "owner" means a person or a group of persons who own reindeer in the Territories;
- (j) "permit" means a valid and subsisting permit to export reindeer or parts thereof, issued under these regulations;

Northwest Territories Act—continued

- (k) “reindeer” means deer of the species *Rangifer tarandus*, native of Northern Europe, or the race *Rangifer arcticus asiaticus*, native of Northern Asia;
- (l) “reserve” means a reindeer grazing reserve established by Order of the Governor in Council;
- (m) “stray” means a reindeer, found during an annual roundup of a herd held by the owner, that bears the registered mark of another owner; and
- (n) “Superintendent” means the officer in charge of a reserve or person acting in that capacity designated by the Minister.

Reserve

3. The Superintendent may divide a reserve into grazing allotments and may change or modify the boundaries of the allotments or reduce or increase the number of allotments.

Agreements

4. (1) The Minister may enter into agreements with Eskimos or Indians or persons with Eskimo or Indian blood living the life of an Eskimo or Indian for the herding of reindeer that are the property of Her Majesty.

(2) Such agreements shall be in the form prescribed by the Minister and may, if deemed advisable by him, include provisions for the transfer of such portions of the herd as are therein specified to the herders upon satisfactory completion of the agreement.

Licences and Permits

5. (1) The Minister or any person authorized by him may issue the following licences:

Class 1—a licence to hunt reindeer;

Class 2—a licence to a reindeer owner for a grazing allotment within a reserve;

Class 3—a licence to transport by any means any reindeer or part thereof from a reserve.

(2) The Minister or any person authorized by him shall indicate in the licence the period for which it shall be valid unless sooner cancelled and the conditions to which it is subject.

(3) A Class 2 licence shall be issued subject to any rights granted to another person under the Territorial Lands Act or the Territorial Lands Regulations.

(4) A licence may be suspended, cancelled or the conditions thereof altered at any time by the Minister or any person authorized by him for any cause that to him seems sufficient.

6. An officer may issue a permit for the exportation of reindeer or any part thereof.

Prohibitions

7. (1) Except as authorized by licence no person shall hunt reindeer.

(2) Subsection (1) does not apply to

(a) an officer or herder while acting in the course of his duties; or

Northwest Territories Act—continued

(b) an owner in so far as his own reindeer are concerned.

(3) Except as authorized by licence no person shall

(a) graze reindeer on a grazing allotment; or

(b) transport by any means reindeer or any part thereof from a reserve.

8. An owner shall not allow his reindeer to run at large or at any time to be without herding protection satisfactory to the Superintendent.

9. No person shall have in his possession any reindeer or part thereof killed or taken in violation of these regulations.

10. No owner shall permit or allow his reindeer to graze outside a reserve, unless he has obtained the consent of the Minister.

11. (1) No reindeer meat shall be sold except under a marketing plan approved by the Minister or a person designated by him.

(2) Subsection (1) does not apply in the case of sales to individuals for their own use and not for re-sale.

12. No person shall transfer or ship by any means reindeer or their carcasses or parts thereof from any place in the Territories to any other place within the Territories other than in a reserve without the consent of the Minister or some person authorized by him.

13. No person shall export reindeer or any part thereof unless he has received a permit for the exportation of such reindeer or part thereof.

14. No person, transportation company or common carrier shall accept for transportation reindeer or their carcasses or any part thereof for export unless a permit for such exportation is attached thereto.

15. (1) No dog shall be allowed to run at large within a reserve.

(2) Subsection (1) does not apply to a dog that is being used for herding.

(3) Any dog, not used for herding, found running at large within a reserve may be destroyed by the Superintendent or anyone acting under his instructions.

(4) No damage or compensation may be recovered in respect of the destruction of a dog under this section.

(5) The owner of any dog chasing, killing or in any manner molesting any reindeer within a reserve shall be liable to Her Majesty or other owner of reindeer for any damage that such dog may have caused to any reindeer within a reserve.

Roundups

16. (1) Unless prevented by conditions beyond his control, the owner of a reindeer herd shall hold an annual roundup for the purpose of checking the health of the reindeer, counting, classifying and recording the stock, applying the registered herd mark, balancing the herd with regard to breeding stock, selecting animals for slaughter in the winter, and checking and marking strays, but no roundup shall be held without the permission of the Superintendent.

Northwest Territories Act—concluded

(2) The owner shall notify the Superintendent at least sixty days prior to the roundup of the proposed time and place of such roundup.

(3) The Superintendent, unless prevented by circumstances beyond his control, shall attend each roundup where reindeer are to be counted, classified and marked, and shall check the records of the herd with particular reference to the strays from other herds.

(4) When the Superintendent is unable to attend a roundup he shall designate some other person to act in his stead.

Markings

17. (1) An application for the approval and registration by the Superintendent of a herd mark shall be made on the form provided for the purpose, and shall include a drawing and a description of the mark.

(2) An owner of a reindeer herd shall cause each animal in the herd to bear an identifying herd mark, as approved and registered by the Superintendent.

(3) The registered mark shall be applied to the reindeer of each owner as soon as practicable after his ownership of the reindeer is established, with the exception of marked strays.

(4) A stray mark selected and approved by the Superintendent shall be applied to strays found during a roundup.

Strays

18. (1) A record of all strays found at the annual roundup of each herd shall be made and retained by the Superintendent.

(2) As each stray is handled at the roundup, a stray mark selected by the Superintendent shall be applied to the stray to indicate that it has been recorded as a stray.

(3) Mavericks shall be marked with the herd mark of the herd in which they are found.

(4) After all the roundups for the season have been made, the Superintendent shall send to the owner of each herd a statement showing the strays found in his herd and the strays from his herd which have been located in other herds, together with the adjustments which the Superintendent proposes in order to effect an equitable settlement between the owners.

(5) When an adjustment has been made between herd owners, in accordance with the advice of the Superintendent, the marked strays in each of their herds shall be the property of the herd owner.

(6) Any disputes which may arise between owners with respect to strays, which cannot be settled between them, shall be referred to the Superintendent and his decision shall be final.

19. Where an owner does not provide for adequate protection for or abandons his reindeer, the Superintendent on behalf of the Crown may take such action as he deems necessary for the protection of the reindeer.

OATHS OF ALLEGIANCE ACT. (R.S.C., 1952, c. 197)

No regulations have been made under this statute.

OFFICIAL SECRETS ACT. (R.S.C., 1952, c. 198)

By Order in Council P.C. 4728 of 19th November, 1947, Grosse Isle, in the County of Montmagny in the Province of Quebec, was declared a prohibited place within the meaning of the Act. (*see Canada Gazette*, Part II, January 14, 1948, at page 3). No other orders or regulations under this statute were in effect on January 1, 1955.

OLD AGE ASSISTANCE ACT. (R.S.C., 1952, c. 199)

Old Age Assistance Regulations

P.C. 1955-48

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 13th day of January, 1955.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National Health and Welfare and pursuant to the Old Age Assistance Act, is pleased to order as follows:

1. The Old Age Assistance Regulations, established by Order in Council P.C. 6596 of 6th December, 1951, are hereby revoked, effective January 1, 1955; and

2. The annexed "Old Age Assistance Regulations" are hereby made and established, effective January 1, 1955, in substitution for the regulations hereby revoked.

OLD AGE ASSISTANCE REGULATIONS

Short Title

1. These regulations may be cited as the *Old Age Assistance Regulations*.

Interpretation

2. In these regulations,

- (a) "Act" means the *Old Age Assistance Act*;
- (b) "Director" means the Director of Old Age Assistance of the Department of National Health and Welfare; and
- (c) "personal property" includes the immediate realizable value of the amount remaining to be paid to a recipient or his spouse under a mortgage or agreement for sale, the proceeds of insurance received by a recipient or his spouse and the cash surrender value of life insurance available to a recipient or his spouse.

Old Age Assistance Act—continued*Notices*

3. (1) Any notice or other document required or authorized to be sent or delivered for the purposes of these regulations shall be in writing.

(2) Any notice or other document required or authorized to be sent or delivered to any person by the provincial authority for the purposes of these regulations shall be deemed to be duly sent or delivered at the time when the notice or document is posted to that person at his ordinary address.

Applications

4. (1) An application for assistance may be made by any person who alleges that he has attained the age of sixty-four years and eight months; provided that an application may be made by a person resident in a part of Canada that is accessible only at a certain time or times of the year who alleges that he has attained the age of sixty-four years and six months.

(2) An application shall be deemed to have been made only when an application form completed by an applicant, or, where the provincial authority is satisfied that the applicant is unable to complete the application form because of physical infirmity or mental illness or for any other valid reason, by some responsible person on behalf of the applicant, is actually received in the office of the provincial authority for the province in which the applicant resides.

(3) The provincial authority may prescribe the form or contents of an application, but every application shall state

- (a) the full name of the applicant including, in the case of a married woman, her full maiden name, and, in the case of an applicant who has changed his name, the name before such change was made;
- (b) the present address of the applicant, his place and date of birth and place or places of residence during the twenty years preceding the date of the application and, if he is married, the name and the place and date of birth of his spouse;
- (c) the sex and particulars of the marital status of the applicant and, in the case of a married person, whether he is living with his spouse and whether such spouse is sighted or blind;
- (d) the occupation, income and means of subsistence of the applicant and his spouse;
- (e) particulars of any real or personal property apart from household furnishings and personal effects owned by the applicant or his spouse at the date of application; and
- (f) particulars of any real or personal property which the applicant or his spouse transferred to any person or persons within the five years preceding the date of application.

(4) Every application shall be supported by a statutory declaration of the applicant or the person making the application on behalf of the applicant to the effect that all the statements in the application are true to the best of his knowledge and belief and that no information required to be given has been concealed or omitted.

(5) Every provincial authority shall supply, without charge, a form of application to any person who desires to make an application and, if so requested, shall give all information and assistance possible in completing the application.

Old Age Assistance Act—continued

(6) All applications and accompanying documents received by any person other than the provincial authority shall be forwarded to the provincial authority.

Investigation

5. (1) The provincial authority shall, in respect of each application, cause an investigation to be made into the facts and circumstances as therein set out and such other matters as may be necessary to determine the eligibility of the applicant for assistance.

(2) The investigation required by subsection (1) shall be made not sooner than four months before the date of the proposed commencement of assistance but where the person making the application is resident in a part of Canada that is accessible only at a certain time or times of the year the period of four months may be extended by the provincial authority to not more than six months.

(3) Where an application has been approved and assistance is being paid or is suspended for the purpose of recovering an overpayment, the provincial authority shall, at least once in each year, cause an investigation to be made into the circumstances of the recipient to determine whether such recipient continues to be eligible, or whether he has again become eligible, and the amount of assistance to which he may be entitled, and where such annual investigation is made more than three months prior to the transfer of the recipient to old age security, the provincial authority shall make a terminal investigation at the time of such transfer.

(4) Before altering the rate of assistance being paid to a recipient or before suspending assistance or reinstating assistance which has been suspended, the provincial authority shall cause an investigation to be made into the circumstances of the recipient; but the provincial authority, in any individual case, may, in lieu of such investigation, make such inquiry and obtain such information as it deems adequate.

(5) The report of any investigation or inquiry made shall be filed with the application and shall be available at any time for inspection by officials of the Government of Canada.

(6) An investigation required by this section shall be made by an investigator in the employ of the provincial authority or the provincial government or by a duly authorized representative of any other agency if such representative is recommended by the provincial authority and approved by the Minister, and such investigator or representative, as the case may be, shall, in the course of such investigation, personally interview the recipient.

Grant of Assistance

6. (1) Where the provincial authority is satisfied on the basis of the information contained in the application and from the investigation required by these regulations, together with any other relevant information it may have obtained, that the applicant is eligible under the Act and these regulations to receive assistance, it shall determine the rate of assistance payable and shall thereupon approve the application accordingly.

(2) No person other than the provincial authority shall approve or reject any application or alter the rate of assistance.

Old Age Assistance Act—*continued**Age*

7. (1) For the purpose of enabling the provincial authority to consider the eligibility of an applicant as regards age, the applicant shall forward to the provincial authority a certificate of birth or of baptism or, if neither certificate is obtainable, shall forward any other documentary evidence that he may have or be able to obtain from which his age may be determined.

(2) If the provincial authority is satisfied that the applicant is unable to furnish or obtain satisfactory evidence as to his age as provided in subsection (1) and the provincial authority itself is unable to obtain such evidence, it shall endeavour to obtain information from other sources and, in the case of an applicant who alleges he was born in Canada, it shall, if records for the period in question are available in the province where he alleges he was born, request the registrar of vital statistics in that province to make a search for information as to his age.

(3) If the provincial authority is unable to obtain information as provided in subsections (1) and (2), it may request the Dominion Bureau of Statistics to make a search of the census records for information as to the age of the applicant, subject to the following conditions:

- (a) any request for census information as to age shall be made in the form of an application prescribed by the Dominion Statistician which shall bear or be accompanied by the signed consent of the person concerning whom the information is sought, and shall provide such specific information as may be required for the purpose of making a search in the census records; and
- (b) any information supplied by the Dominion Bureau of Statistics shall be confidential and shall not be used for any purpose other than that of establishing the age of the applicant as required under the Act, the *Blind Persons Act*, the *Disabled Persons Act*, or the *Old Age Security Act*, as the case may be.

(4) If, after thorough search and inquiry, the provincial authority is unable to obtain from the applicant, or elsewhere, satisfactory and sufficient documentary evidence as to his age it may, with the consent of the Director, submit the question of the age of the applicant, together with any documentary or other evidence that it may have obtained relevant thereto, to a tribunal provided for by this section for a decision as to whether or not the applicant has attained the age of sixty-five years.

(5) The tribunal shall consist of a member designated by the provincial authority, a member designated by the Director and a third member, who shall be a disinterested person and who shall act as chairman, chosen by the other two members.

(6) The tribunal shall in all cases see and interview the applicant and, in deciding upon whether the applicant has attained the age of sixty-five years, shall be entitled to take into account any fact, circumstance or evidence, documentary or other, including physical characteristics of the applicant, relevant to the determination of the issue.

(7) The decision of the tribunal shall be the decision of the majority thereof and, subject to rebutting evidence being obtained at any time, any decision reached in accordance with the procedure provided in subsections (4) to (6) shall be final and conclusive of whether or not the applicant has attained the age of sixty-five years.

Old Age Assistance Act—continued

(8) Except as provided in subsection (7), the provincial authority shall not be bound to accept any evidence respecting the age of a recipient as final and conclusive, and any evidence submitted to or obtained by the provincial authority as proof of age may be rebutted at any time.

Marital Status

8. For the purpose of enabling the provincial authority to consider the eligibility of an applicant as regards marital status, the provincial authority may accept a certificate of marriage or, if no such certificate is procurable, such other evidence corroborative of the statement of the applicant or his spouse as it deems satisfactory.

Residence

9. (1) For the purpose of enabling the provincial authority to consider the eligibility of an applicant as regards residence in Canada or in a province, the provincial authority may take into account, together with any other evidence that it may be able to obtain, a statutory declaration made by any reliable and disinterested person covering such facts as to which such person has personal knowledge.

(2) For the purposes of the Act and these regulations, residence and presence in Newfoundland prior to the date of union of Newfoundland with Canada, shall respectively be deemed to be residence and presence in Canada.

10. (1) Intervals of absence of an applicant from Canada during the twenty years immediately preceding the date of the proposed commencement of assistance which are of a temporary nature and which, when totalled and averaged, do not exceed sixty days a year, shall be deemed not to have interrupted the residence in Canada of such applicant during such period, and the provisions of this subsection shall not apply in respect of cases coming within the provisions of subsections (2) to (6) both inclusive.

(2) If an applicant, while a resident of Canada, has temporarily absented himself therefrom for the purpose of engaging in

- (a) employment on a ship or on a fishing boat,
- (b) employment on trains running out of Canada operated by any railway company having its head office in Canada,
- (c) seasonal employment, such as lumbering or harvesting, for not more than six months in any one year,
- (d) employment by or as a representative of a Canadian firm or corporation, or while he was himself a member of such a firm or corporation,
- (e) employment by the United Nations or one of its specialized agencies, or
- (f) missionary work with any religious group or organization,

and, at the termination of such employment, he returned to Canada, he shall be deemed to have continued to reside or to have been present in Canada during such absence if, during the period thereof, he had in Canada a permanent place of abode to which, whenever he was absent therefrom, he had the intention of returning, or he maintained in Canada, a self-contained domestic establishment.

Old Age Assistance Act—continued

(3) If an applicant, while a resident of Canada, has temporarily absented himself therefrom

- (a) while he was employed and paid by the Government of Canada or any province,
- (b) during the first or second world war while he was a member of the forces of any country allied with Canada or was engaged in work in connection with the prosecution of any such war for Canada or its allies, or
- (c) pursuant to or in connection with the requirements of his duties as a member of the armed forces of Canada,

and, at the termination of his duties abroad, he returned to Canada, he shall be deemed to have continued to reside or to have been present in Canada during such absence.

(4) An applicant who is a married woman or a widow and, while a resident of Canada, was absent from Canada with her husband while he was absent from Canada in any of the circumstances provided for by subsection (2) or (3), shall, during the period of such absence with him, be deemed to have continued to reside or to have been present in Canada during such absence.

(5) An applicant who, while a resident of Canada and while under the age of twenty-one years, was absent from Canada with his father or mother who was absent therefrom under any of the circumstances provided for in subsections (2) or (3) shall, during the period of such absence with his father or mother, be deemed to have continued to reside or to have been present in Canada.

(6) Where an applicant was temporarily absent from Canada and was unable to return to Canada due to the dislocation of transportation facilities during or immediately following the second world war, such applicant shall be deemed to have continued to reside or to have been present in Canada for the period of absence between the date such applicant, his spouse or his parent, as the case may be, made application to the proper authority for transportation to Canada and the date of the actual return of the applicant thereto.

Income

11. (1) For the purpose of the Act and these regulations, "income" includes the net amount or value of all income, gratuities and contributions received, whether in cash or in kind, and without restricting the generality of the foregoing,

- (a) any assistance paid under the Act;
- (b) any allowance paid to a spouse under the *Blind Persons Act*;
- (c) any allowance paid to the spouse under the *Disabled Persons Act*;
- (d) any pension paid to a spouse under the *Old Age Security Act*;
- (e) income from any interest in real or personal property as determined under section 12; and
- (f) the value of board and lodging, or board or lodging furnished free of charge, or for which a nominal charge is made, as determined under section 13.

Old Age Assistance Act—continued

(2) Notwithstanding subsection (1), an agreement with a province under section 3 of the Act may, at the request of such province, provide that all or any of the following, namely,

- (a) mothers' allowances paid pursuant to provincial legislation;
- (b) family allowances paid pursuant to the *Family Allowances Act*;
- (c) cost of living allowances or supplemental allowances paid by any province to any person in receipt of assistance under the Act or an allowance under the *Blind Persons Act* or an allowance under the *Disabled Persons Act* or a pension under the *Old Age Security Act*;
- (d) pay allotted or assigned by a member of the Canadian Forces serving on active service, where no dependents allowance has been awarded in respect of the recipient or the spouse of such recipient;
- (e) direct relief in an amount considered reasonable by the provincial authority if paid out of moneys provided only by the municipality or the province in which the recipient resides, or by both, or by a charitable organization incorporated or registered under a law of a province or of the Parliament of Canada;
- (f) casual gifts of small value;
- (g) contributions other than for ordinary maintenance to recipients or to the spouses of recipients who require special care;
- (h) any amount considered reasonable by the provincial authority received by a spouse who is blind within the meaning of the *Blind Persons Act* for the purpose of obtaining the services of a guide; and
- (i) the income value determined as provided in section 12 from an amount up to five hundred dollars of the amount of the cash surrender value of life insurance that is available to a recipient or his spouse,

shall not be included in the calculation of income under subsection (1), and income in such province shall be calculated accordingly.

12. For the purpose of determining the amount that shall be deemed income from any interest in real or personal property of a recipient, or, in the case of a married recipient living with his spouse, of the recipient and his spouse, whether owned or deemed to be owned by the recipient or his spouse at the date of the proposed commencement of assistance, or acquired subsequent thereto, the provincial authority shall

- (a) as regards real property
 - (i) that is used as a residence by the recipient and from which no revenue is derived, consider as income an amount equal to five per cent of the market value of such property after deducting therefrom the amount of any encumbrances thereon, or five per cent of the assessed value, or an amount that in the opinion of the provincial authority is reasonably equivalent to the rental value thereof; and in determining such rental value the provincial authority may in its discretion deduct the cost of the maintenance of such property which shall not include the cost of heating, lighting, communications, structural alterations other than those attributable to wear and tear, or any payment of principal on a mortgage or agreement for sale thereon;

Old Age Assistance Act—continued

- (ii) that is used as a residence by the recipient and from which the recipient derives a revenue from any use or occupation thereof, consider as income the net revenue so derived (provided that where such revenue is derived from the rental of rooms, not less than fifty per cent thereof shall be deemed to be net revenue) together with an amount equal to five per cent of the market value of such property after deducting therefrom the amount of any encumbrances thereon, or five per cent of the assessed value, or an amount that in the opinion of the provincial authority is reasonably equivalent to the rental value of the portion thereof occupied by the recipient; and in determining such rental value the provincial authority may in its discretion deduct the cost of the maintenance of such property which shall not include the cost of heating, lighting, communications, structural alterations other than those attributable to wear and tear, or any payment of principal on a mortgage or agreement for sale thereon;
 - (iii) that is revenue bearing and is not used as a residence by the recipient, consider as income the net revenue therefrom after deducting reasonable and necessary expenses of maintenance other than any payment of principal on any mortgage or agreement for sale thereon;
 - (iv) that is not revenue bearing or from which a nominal revenue is derived and is not used as a residence by the recipient, consider as income the net revenue that, in the opinion of the provincial authority, such property should or might reasonably be expected to yield;
- (b) as regards personal property, deduct from the amount of value thereof owned at the date of the proposed commencement of assistance the sum of one thousand dollars in the case of an unmarried recipient and the sum of two thousand dollars in the case of a married recipient living with his spouse (or such amount less than one thousand dollars or two thousand dollars, respectively, as may be provided by a province in its agreement under section 3 of the Act) and subject to subparagraphs (iv) and (v), consider as income during the period that the recipient is or may be entitled to receive assistance an amount calculated as follows:
- (i) in the case of an unmarried recipient, divide the remaining balance on a monthly basis over the period between the date of the proposed commencement of assistance and the date on which the recipient attains the age of seventy years;
 - (ii) in the case of a married recipient living with his spouse, divide the remaining balance on a monthly basis over the period between the proposed commencement of assistance and the date on which the younger of the two spouses attains the age of seventy years, or over a period of sixty months, whichever is the lesser period;
 - (iii) where additional personal property is acquired after the date of application, there shall be deemed to be additional income therefrom from the date of such acquisition an amount to be arrived at by dividing the value thereof on a monthly basis over the period between the date of acquisition and, in the

Old Age Assistance Act—continued

- case of an unmarried recipient, the date on which he attains the age of seventy years, and in the case of a married recipient living with his spouse, the date on which the younger of the two spouses attains the age of seventy years, or over a period of sixty months, whichever is the lesser period;
- (iv) in the case of a married recipient living with his spouse, where the spouse subsequently becomes a recipient, income under this subparagraph shall be redetermined as provided in subparagraphs (ii) and (iii);
- (v) in the case of a married recipient living with his spouse, where the spouse dies, the income of the recipient shall be recalculated as for an unmarried recipient on the amount of personal property owned by the recipient at the date of death but such calculation shall be based on the age of the recipient at that time and not as of the date of the proposed commencement of assistance.

13. (1) Where board and lodging or board or lodging is provided free to a recipient or for a nominal amount, the provincial authority shall consider as income of the recipient, and, in the case of a recipient who is married and living with his spouse, of the recipient and his spouse, an amount that, in its opinion, is a fair and reasonable charge therefor, but which shall, in no case, be less than the amounts respectively hereinafter set forth—

	<i>Unmarried recipient</i>	<i>Married recipient</i>
Lodging	\$10.00 monthly	\$15.00 monthly
Board	20.00 monthly	30.00 monthly
Board and lodging	30.00 monthly	45.00 monthly

(2) Where board and lodging or board or lodging is provided to the recipient for a nominal amount, the provincial authority, in fixing an amount as provided in subsection (1), may deduct therefrom such nominal amount if satisfied that the recipient is actually paying the same.

Transfer of Property

14. (1) Where a recipient or his spouse has, within the five years preceding the date of application or subsequent to such date, made an assignment or transfer of real or personal property, such recipient shall furnish to the provincial authority full particulars concerning such assignment or transfer.

(2) The provincial authority, from the particulars so furnished, shall determine whether or not the consideration for such assignment or transfer was inadequate or whether such assignment or transfer was made by such recipient or his spouse for the purpose of qualifying the recipient for assistance or for a larger amount of assistance than he otherwise would be entitled to receive or to prevent recovery of any claim under provincial law.

(3) Where, from the particulars so furnished or in the absence of satisfactory particulars being furnished, the provincial authority is of the opinion that the consideration for an assignment or transfer of property was inadequate or that such assignment or transfer was made by a recipient or his spouse for the purpose of qualifying the recipient for assistance or for a larger amount of assistance than he otherwise would be entitled to receive or to prevent recovery of any claim under provincial

Old Age Assistance Act—continued

law, the provincial authority shall consider as income from such property an amount calculated as provided in section 12 in the case of property owned by a recipient or his spouse at the date of the proposed commencement of assistance.

15. (1) Where the recipient or his spouse re-converts into real property, personal property derived from the sale of real property held at the time assistance was granted, the provincial authority may, in lieu of calculating as income of such recipient as provided in paragraph (b) of section 12, the value of the personal property so re-converted, consider as income an amount respecting the newly acquired real property calculated as provided in paragraph (a) thereof.

(2) Where an exchange of property under subsection (1) is not wholly for cash, the face value of any mortgage receivable or agreement for sale and the income therefrom may be offset by the face value of any mortgage payable or agreement for sale and the interest payable thereon, but the provincial authority shall take into account any excess value or income receivable by the recipient.

When Assistance Shall Commence

16. (1) Subject to subsection (2), assistance shall be payable in arrears from the first day of the month following the month in which the recipient attains the age of sixty-five years or from the first day of the month following the month in which his application is approved, whichever is the later.

(2) Where an application is approved after the last day of the month in which it was received by the provincial authority, and delay in such approval resulted from circumstances wholly beyond the control of the recipient, the provincial authority may, in its discretion, declare that such approval shall be effective as of an earlier date which shall be a date after the recipient attains the age of sixty-five years and which shall in no case be earlier than the date of the receipt of the application by the provincial authority or a date not more than four months prior to that on which approval is given, whichever is the later; provided, however, that in any case where delay in such approval is attributable to the fact that the recipient is resident in a part of Canada that is accessible only at a certain time or times of the year, the period of four months herein mentioned may be extended to not more than six months.

(3) Where assistance is suspended at the request of a recipient the same shall not be reinstated prior to the date on which the provincial authority is requested in writing by such recipient or by some person acting on behalf of such recipient to do so.

(4) Except in the case of a recipient residing in the Northwest Territories, no recipient shall be paid assistance for any period exceeding one month during which such recipient receives direct relief out of moneys paid in whole or in part by the Government of Canada.

Manner Payable

17. Assistance shall be paid by cheque or other instrument in a form approved by the province.

Old Age Assistance Act—continued*Payment to Trustees*

18. (1) Where a recipient is incapacitated through infirmity, illness or any other cause, and is unable to look after his own affairs, or, if the provincial authority considers that the recipient is using or is likely to use his assistance otherwise than for his own benefit, the provincial authority may pay the assistance to a trustee appointed by it to be expended for the benefit of the recipient.

(2) Any trustee appointed under subsection (1) may be removed by the provincial authority or may resign and the provincial authority may appoint another trustee in his place.

(3) Any trustee appointed under subsection (1) or (2) shall, when required by the provincial authority, make returns showing the amount of the assistance received, the amount that has been expended for the benefit of the recipient and the balance remaining in the hands of the trustee.

(4) Subject to subsection (1), where the trustee appointed under subsection (1) or (2) is an officer or employee of an institution in which a recipient is being maintained, the provincial authority may authorize the trustee to pay to such institution such proportion of the assistance as is considered by the provincial authority to be a reasonable sum for the maintenance of the recipient, but shall require the trustee to make available to the recipient an amount which it considers reasonable for his personal use.

Suspension of Assistance

19. (1) The payment of assistance shall be suspended

- (a) during the absence of a recipient from Canada, but the provincial authority may, if satisfied that the circumstances so justify, pay the assistance for any period of absence not exceeding a total of ninety-two days in the twelve month period preceding the return of the recipient to Canada,
- (b) while a recipient is serving any sentence of imprisonment that exceeds thirty days, provided, that where the sentence of imprisonment exceeds thirty days, the provincial authority may, on the release of the recipient, reinstate the assistance from a date not more than one month prior to the date of release, and
- (c) during the period that a recipient neglects or refuses to comply with the provisions of the Act and these regulations or to furnish any information that he is required to furnish pursuant thereto.

(2) A provincial authority shall recover from a recipient any sum improperly paid by way of assistance whether such sum was paid as the result of non-disclosure of facts, misrepresentation or any other cause, and, if the provincial authority is unable to recover the whole of such sum, the provincial authority shall suspend the payment of the assistance of such recipient until the aggregate amount of the suspended payments equals the sum improperly paid less any amount that has been recovered prior to such suspension; provided that where the recipient has not been guilty of fraud or misrepresentation the provincial authority, in its discretion, may reduce the assistance by an amount of not less than five dollars each month, so that recovery of such overpayment will be made in full prior to the date on which the recipient attains the age of seventy years.

Old Age Assistance Act—concluded*Increase or Reduction of Assistance*

20. The provincial authority shall require a recipient to report forthwith any increase or reduction in his income or real property or the income or real property of his spouse and to furnish particulars of any personal property acquired by him or his spouse after the date of his application.

21. Any recipient who desires to apply for an increase in the amount of assistance to which he may be entitled under the Act, shall notify the provincial authority and shall furnish all necessary information.

Accounting

22. Any sums due by Canada to a province in settlement of Canada's share of the net amount expended by the province in payment of assistance shall be ascertained as of the last day of each month, shall be audited by the provincial auditor and shall be paid on the certificate of the provincial auditor as soon thereafter as possible, subject to final audit by officials of the Government of Canada; the accounts submitted by the provincial authority for the purpose of reimbursement shall contain such information as the Minister may require.

23. In calculating the amount due by Canada to a province no account shall be taken of any sums that, under the provisions of the Act, the province is liable to reimburse another province or to be reimbursed by another province in respect of assistance granted therein or in such other province, nor shall any account be taken of the cost of administering or paying assistance.

24. In calculating the amount in respect of which any province is entitled to be reimbursed by another province under the provisions of the Act, regard shall be had only to the net amount of the assistance paid by the province to be reimbursed after deducting therefrom the amount payable by Canada on account of such assistance.

25. Balances due by one province to another province under the provisions of the Act shall be settled monthly as of the same date as the sums due by Canada are payable.

26. The amount recovered by a provincial authority from a recipient or from the estate of a deceased recipient in respect of any assistance shall be distributed between the province responsible for payment of the provincial share of the assistance and Canada in accordance with the amount of any such assistance respectively paid by each.

OLD AGE SECURITY ACT. (R.S.C., 1952, c. 200)**Old Age Security Regulations**

P.C. 7008

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 28th day of December, 1951.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Health and Welfare and by virtue of the powers conferred by The Old Age Security Act, is pleased to make the annexed regulations entitled "The Old Age Security Regulations", and they are hereby made and established, accordingly.

THE OLD AGE SECURITY REGULATIONS*Short Title*

1. These regulations may be cited as the *Old Age Security Regulations*.

Interpretation

2. (1) In these regulations,

- (a) "Act" means The Old Age Security Act;
- (b) "application form" means the form authorized by the Minister for making application for pension;
- (c) "Director" means the person holding the office of Director of Old Age Security;
- (d) "Minister" means the Minister of National Health and Welfare;
- (e) "Regional Director" means the person holding the office of Regional Director of Old Age Security of the province for which he is appointed.

(2) In these regulations, residence and presence in Newfoundland prior to the date of union of that province with Canada shall be regarded as residence and presence in Canada, respectively.

Administration

3. (1) The Director and Regional Directors and such officers, clerks and employees as may be appointed, shall respectively perform the functions and duties and carry out the responsibilities prescribed by the Act and these regulations and by the Minister.

(2) The Director may, in such manner as he may from time to time determine, and as approved by the Minister, delegate to Regional Directors any duty, power or discretion conferred on him by these regulations.

(3) The Director may issue such instructions to Regional Directors, officers, clerks and employees as he considers necessary for the efficient administration of the Act and these regulations.

Old Age Security Act—continued*Application*

4. (1) The Director shall, in such manner as he may from time to time determine, cause application forms to be made available to all persons who desire to make application for pension.

(2) Application for pension may be made by any person who alleges that he has attained the age of sixty-nine years and six months.

(3) Application shall be deemed to have been made only when an application form completed by an applicant or on his behalf as provided in section 5 is actually received in the office of the Regional Director for the province in which the applicant is resident.

5. (1) Where a person is unable to complete an application due to infirmity, illness, or any other valid reason, such application may be completed on his behalf by a responsible person.

(2) Where an Indian at any time has received the allowance to aged Indians from the Department of Citizenship and Immigration, application may be made on his behalf by that Department in such form as may be authorized by the Minister.

(3) Where a person, before December 31, 1951, received a pension under the Old Age Pensions Act (Canada), or has applied for such pension, information made available by the appropriate pension authority as to such fact, including information regarding the age and residence of the person concerned, shall be deemed to be an application made as of December 31, 1951, on behalf of such person.

(4) Where a person has been in receipt of assistance pursuant to The Old Age Assistance Act (Canada), or an allowance pursuant to The Blind Persons Act (Canada), and has attained the age of sixty-nine years and six months, an application form completed on his behalf by the appropriate provincial authority when received in the office of the Regional Director of the province where the person resides shall be deemed to be an application duly made on behalf of such person under this Act.

6. (1) The Director shall examine or cause to be examined each application received and if satisfied that the applicant is eligible for pension under the Act and these regulations he shall so certify or cause it to be certified and thereupon the application shall be approved and, subject to subsection (2), the approval shall be effective on the last day of the month in which such certificate was given.

(2) Where approval of an application for pension is given after the last day of the month in which the application was received and delay in approval has resulted from circumstances beyond the control of the applicant, the Director may, in his discretion, declare that such approval shall be effective as of an earlier date which shall in no case be prior to the last day of the month in which the application was received, or the last day of the month in which the applicant attains the age of seventy years, whichever is the later.

7. Where an application by or on behalf of a person is approved at a time when such person is temporarily absent from Canada and such person returns to Canada within a period of six months from the effective date of

Old Age Security Act—continued

approval, the period of his absence following such approval shall be deemed to commence on the first day of the month following the month in which approval is given.

Age

8. (1) For the purpose of enabling the Director to consider the eligibility of an applicant in respect of age, there shall be furnished by the applicant, or on his behalf, a certificate of the applicant's birth or of his baptism.

(2) If neither of the certificates referred to in subsection (1) is obtainable, there shall be furnished by the applicant such documentary or other evidence, as may be obtainable from which the applicant's age may be determined.

(3) If the Director is unable to obtain information as provided in subsections (1) and (2), he may request the Dominion Bureau of Statistics to make a search of the census records for information as to the age of the applicant subject to the following conditions:

- (a) any request for census information as to age shall be made in the form prescribed by the Dominion Statistician and shall bear the signed consent of the person concerning whom the information is sought and shall provide such specific information as may be required for the purpose of making a search in the census records; and
- (b) any information supplied by the Dominion Bureau of Statistics shall be confidential and shall not be used for any other purpose than that of establishing the age of the applicant as required under this Act, The Old Age Assistance Act, or The Blind Persons Act, as the case may be.

(4) Except as provided in subsection (4) of section 9, the Director shall not be bound to accept any evidence respecting the age of an applicant as final and conclusive and any evidence submitted to or obtained by the Director as proof of age may be rebutted at any time.

9. (1) If after thorough search and inquiry the Director is unable to obtain from the applicant or elsewhere satisfactory and suitable evidence as to the age of the applicant, he may submit the case, together with any evidence that he may obtain relevant thereto, to a tribunal as herein provided for an opinion as to the age of the applicant.

(2) Such tribunal shall consist of a member to be designated by the applicant, a member to be designated by the Director and a third member, who shall be chairman, to be chosen by such other two members.

(3) The tribunal in giving an opinion as to the age of the applicant shall be entitled to take into account any facts, circumstances or evidence, documentary or other, including physical characteristics of the applicant, relevant to the determination of the issue.

(4) The opinion of the tribunal shall be the opinion of the majority thereof and, subject to rebutting evidence being received at any time thereafter, shall be accepted by the Director.

Residence

10. For the purpose of enabling the Director to consider the eligibility of an applicant in respect of residence in Canada, there shall be furnished

Old Age Security Act—continued

by the applicant, or on his behalf, a statement giving full particulars of all periods of residence in Canada and of all absences therefrom relevant to such eligibility.

11. (1) Where an applicant alleges that he has resided in Canada for the twenty years immediately preceding the date of his application, absences from Canada during such period which are of a temporary nature, and which when totalled do not exceed twelve hundred days, shall be deemed not to have interrupted the residence in Canada of such applicant during such twenty years, but the provisions of this subsection shall not apply in respect of persons coming within the provisions of subsections (3) and (4).

(2) Where an applicant has not resided in Canada for the twenty years immediately preceding the date of his application, but has been present in Canada prior to such twenty years for an aggregate period at least equal to twice the aggregate periods of absence from Canada during those twenty years, and alleges that he has resided in Canada for at least one year immediately preceding the date of his application, any absences from Canada during such year which are of a temporary nature shall be deemed not to have interrupted the residence in Canada of such applicant during such year, but the provisions of this subsection shall not apply in respect of persons coming within the provisions of subsection (3) and (4).

(3) Where an applicant while a resident of Canada has temporarily absented himself therefrom while

- (a) employed on a ship or on a fishing boat;
- (b) employed on trains running out of Canada, operated by any railway company having its head office in Canada;
- (c) employed in seasonal employment, such as lumbering and harvesting, for not more than six months in any one year;
- (d) employed by the United Nations or one of its specialized agencies; or
- (e) while employed as a representative of or as a member of a Canadian firm or corporation;

and at the termination of such employment returned to Canada, he shall be deemed to have continued to reside in Canada during such absence if during the period thereof he had in Canada a permanent place of abode to which, whenever he was absent therefrom, he had the intention of returning, or he maintained in Canada a self-contained domestic establishment.

(4) Where an applicant while a resident of Canada has absented himself therefrom

- (a) while he was employed and paid by the Government of Canada or by the government or a municipal corporation of any province;
- (b) pursuant to and in connection with the requirements of his duties as a member of the Canadian Forces, or while he was engaged in work for Canada connected with the prosecution of any war, or while he was a member of the armed forces of any ally of Canada during any such war; or
- (c) while engaged in missionary work with any religious group or organization;

and at the termination of such duties or employment returned to Canada, he shall be deemed to have continued to reside in Canada during the period of such duties or employment.

Old Age Security Act—continued

(5) An applicant who is a married woman or a widow and who was absent from Canada with her husband while he was absent from Canada in any of the circumstances provided for by subsection (3) or (4), shall, during the period of such absence with him, be deemed to have continued to reside in Canada.

Further Information and Investigation Before or After Approval of the Application

12. (1) The Director may at any time before or after approval is given to an application require the applicant to furnish such further information or evidence regarding the eligibility of the applicant for pension as the Director may consider necessary.

(2) The Director may at any time cause such investigation to be made as he may consider necessary into the eligibility of a person to receive a pension, including the capacity of the pensioner to manage his own affairs.

Incapacity of Pensioner

13. (1) Where the Director considers that a pensioner is, by reason of infirmity, illness, insanity or other cause, incapable of managing his own affairs, the Director may direct the pension to be paid to any person or agency whom he may appoint to act on behalf of such pensioner.

(2) The Director shall furnish to such person or agency directions regarding the administration and expenditure of the pension as the Director may consider in the best interest of the pensioner.

(3) Any person or agency so employed shall account for the pension payments received and the disbursements made, the accounts to be in such form and to be made at such times as the Director may indicate.

Notice By, or on Behalf of, a Pensioner

14. (1) Where a pensioner has absented himself from Canada for a period in excess of one month he shall forthwith give notice thereof in writing to the Regional Director and within one month of his return to Canada shall notify the Regional Director thereof.

(2) Where a pensioner is convicted of an offence and sentenced to a term of imprisonment exceeding thirty days, he shall upon the commencement of such imprisonment notify the Regional Director thereof and within one month after his release from such imprisonment he shall notify the Regional Director accordingly.

(3) A pensioner shall notify the Regional Director of the address to which his pension shall be sent and in the event of any change of his address in Canada shall forthwith notify the Regional Director in writing thereof.

(4) Where the pension is being paid to any person or agency to be administered and expended for the benefit of the pensioner, the notices required by this section shall be given by such person or agency.

Suspension of Payments

15. (1) The Director shall suspend the payment of the pension in respect of any pensioner where it appears to him that such pensioner is ineligible for payment of the pension and may suspend the payment where

Old Age Security Act—concluded

it appears to him that further inquiry into the eligibility of the pensioner is necessary, and such suspension shall continue until evidence satisfactory to the Director is given that such pensioner is eligible for the pension.

(2) On the resumption of payment of any pension which has been suspended under the provisions of subsection (1), the Director shall cause payment of the pension to be made for any portion of the period of suspension during which the pensioner was eligible for pension.

(3) Where a cheque issued to, or on behalf of, a pensioner remains uncashed at the time of his death and has been returned, another cheque for the same amount may be issued to the personal representative of such pensioner or, if there is no personal representative, then to such person or agency as the Director may designate to receive the cheque on behalf of the estate of the pensioner.

Recovery of Overpayments

16. The Director shall recover from a pensioner any sum improperly paid by way of pension whether such sum was paid as the result of non-disclosure of facts, misrepresentation, or any other cause, and, if he is unable to recover the whole of such sum, the Director shall suspend the payment of the pension of such pensioner until the aggregate amount of the suspended payments equals the sum improperly paid less any amount that has been recovered prior to such suspension; where the pensioner has not been guilty of fraud or misrepresentation the Director may reduce the pension by such an amount as will recover the overpayment in a time considered by the Director to be reasonable, having regard to all the circumstances of the case.

OPIUM AND NARCOTIC DRUG ACT. (R.S.C., 1952, c. 201)

	Page
1. <i>Opium and Narcotic Drug Regulations</i>	2502
2. <i>Consolidated Schedule to the Act</i>	2509

1. Opium and Narcotic Drug Regulations

P.C. 1954-1212

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 18th day of August, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Health and Welfare and pursuant to the Opium and Narcotic Drug Act, is pleased to order as follows:

1. The Opium and Narcotic Drug Regulations, established by Order in Council P.C. 3104 of 23rd July, 1946, are hereby revoked; effective September 15, 1954; and

Opium and Narcotic Drug Act—continued

2. The annexed “Regulations respecting Opium and Narcotic Drugs” are hereby made and established, effective September 15, 1954, in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING OPIUM AND NARCOTIC DRUGS

Short Title

1. These regulations may be cited as the *Opium and Narcotic Drug Regulations*.

Interpretation

2. In these regulations,

- (a) “Act” means the *Opium and Narcotic Drug Act*;
- (b) “Department” means the Department of National Health and Welfare;
- (c) “inspector” means a person designated by the Minister as an inspector for the purposes of the Act;
- (d) “licence” means a valid and subsisting licence issued under section 3 of the Act;
- (e) “licensed person” means a person to whom a licence has been issued;
- (f) “Minister” means the Minister of National Health and Welfare;
- (g) “narcotic product” means a product consisting of a drug in combination with one or more medicinal ingredients, other than drugs, in a recognized therapeutic dose; and
- (h) “oral prescription narcotic product” means a narcotic product that
 - (i) contains two or more medicinal ingredients, other than drugs, in a recognized therapeutic dose, and
 - (ii) is not intended for parenteral administration.

Licences

3. An application for a licence shall be made in a form prescribed by the Minister and shall be accompanied by the following fee:

- (a) for a licence for the importation or exportation of any drug or narcotic product,
 - (i) where the value of the drug, whether it is alone or in combination with any other ingredient, exceeds \$25.00.....\$5.00, and
 - (ii) where the value of the drug, whether it is alone or in combination with any other ingredient, does not exceed 25.00 ..
..... no charge;
- (b) for a licence to distribute and sell any drug or narcotic product
.....\$25.00; and
- (c) for a licence to cultivate, gather or produce *Cannabis Sativa* or opium poppy (*Papaver Somniferum*)\$25.00.

4. Licences shall be substantially in the forms set out in the Schedule.

Opium and Narcotic Drug Act—continued

5. The Minister may at any time

- (a) prescribe such terms and conditions for licences as he deems meet, and
- (b) revoke a licence for any reason he deems meet.

6. Subject to section 4,

- (a) a licence issued under paragraph (a) of section 3 is valid only for the particular importation or exportation in respect of which it is issued, and
- (b) a licence issued under paragraphs (b) or (c) of section 3 expires on the 31st day of December next following the day on which it came into force.

Importing and Exporting

7. Drugs or narcotic products may be imported into Canada at the following places only: St. John's, Newfoundland, Charlottetown, Prince Edward Island, Halifax, Nova Scotia, Saint John, New Brunswick, Quebec City, Quebec, Montreal, Quebec, Dorval, Quebec, Ottawa, Ontario, Kingston, Ontario, Toronto, Ontario, Malton, Ontario, Hamilton, Ontario, London, Ontario, Windsor, Ontario, Winnipeg, Manitoba, Regina, Saskatchewan, Calgary, Alberta, Vancouver, British Columbia, and Victoria, British Columbia.

8. Drugs or narcotic products may be exported out of Canada at the following places only: St. John's, Newfoundland, Sydney, Nova Scotia, Halifax, Nova Scotia, Saint John, New Brunswick, Quebec City, Quebec, Lacolle, Quebec, Montreal, Quebec, Dorval, Quebec, Toronto, Ontario, Malton, Ontario, Hamilton, Ontario, Windsor, Ontario, Winnipeg, Manitoba, and Vancouver, British Columbia.

9. Any drug or narcotic product intended for exportation from Canada shall be securely packed in a package sealed in such a manner that it cannot be opened without breaking the seal.

Manufacturers and Distributors

10. Every licensed person shall keep a record of

- (a) the name and quantity of any drug or narcotic product received by him, the name and address of the person who supplied it and the date it was received,
- (b) the name, quantity and form of any drug or narcotic product supplied by him, the name and address of the person to whom it was supplied and the date it was supplied,
- (c) the name and quantity of any drug or narcotic product used in manufacturing, the name and quantity of any drug or narcotic product manufactured and the date any manufactured drug or narcotic product was placed in stock, and
- (d) the name and quantity of any drug or narcotic product he has in stock at the end of each month.

Opium and Narcotic Drug Act—continued

11. (1) No licensed person shall supply a drug or narcotic product unless the main label of the container in which it is supplied bears, legibly and conspicuously,

- (a) the name of the drug or narcotic product;
- (b) if the drug or narcotic product is manufactured in Canada, the name of the manufacturer, or if the drug or narcotic product is manufactured or produced outside Canada, the name of the distributor in Canada;
- (c) the symbol "N" on the upper left hand corner of the label in a colour contrasting with the rest of the label or in type not less than half the size of any other type used thereon;
- (d) a correct statement of the net contents of the container in terms of weight, measure or number;
- (e) in the case of a drug,
 - (i) if the drug is in tablet, capsule, ampoule or other such form, the drug content per tablet, capsule, ampoule or such other form, or
 - (ii) if the drug is in any other form, the drug content per unit of weight, measure or number specified on the label;
- (f) in the case of a narcotic product, the name of the drug and other medicinal ingredients therein, and
 - (i) if the narcotic product is in tablet, capsule, ampoule or other such form, the drug content and each medicinal ingredient per tablet, capsule, ampoule or such other form, or
 - (ii) if the narcotic product is in any other form, the drug content and each medicinal ingredient per unit of weight, measure or number specified on the label.

(2) No licensed person shall supply a drug or narcotic product unless the Minister has approved its formula and label and the size of the container in which it is supplied.

(3) No licensed person shall supply a drug or narcotic product, except a preparation described in section 8 of the Act, unless it is securely packed and its immediate container sealed in such a manner that it cannot be opened without breaking the seal.

12. (1) Subject to subsection (2), no licensed person shall transport any drug or narcotic product except personally or by bonded employee, registered mail or bonded express.

(2) Notwithstanding subsection (1), a licensed person may have an oral prescription narcotic product transported by common carrier.

13. Every licensed person shall

- (a) provide such protection against loss or theft of any drug or narcotic product in his possession as may be required by the Minister, and
- (b) employ only responsible and competent persons to supervise any transaction involving a drug or narcotic product.

Opium and Narcotic Drug Act—continued*Retail Druggists*

14. Upon receiving a drug or narcotic product, a retail druggist shall enter in a book, register or other record kept for the purpose the name and quantity of the drug or narcotic product received, the date it was received, and the name and address of the person who supplied it.

15. Immediately after supplying a drug or narcotic product, other than an oral prescription narcotic product, a retail druggist shall enter in a book, register or other record kept for the purpose

- (a) the name and address of the person named in the order or prescription,
- (b) the name, quantity and form of the drug or narcotic product,
- (c) the name and initials of the physician, dentist or veterinary surgeon who issued the order or prescription,
- (d) the name or initials of the druggist who supplied the drug or narcotic product,
- (e) the date the drug or narcotic product was supplied, and
- (f) the number assigned to the prescription.

16. (1) Every retail druggist who receives an oral prescription from a physician, dentist or veterinary surgeon for an oral prescription narcotic product may, after taking all necessary steps to satisfy himself that the person giving the prescription is a physician, dentist or veterinary surgeon, supply such narcotic product as directed in the prescription.

(2) Immediately after supplying an oral prescription narcotic product under subsection (1), a retail druggist shall reduce to writing the prescription setting forth

- (a) the name and address of the person named therein,
- (b) in accordance with the manner in which it is specified in the prescription, the name and quantity of such narcotic product or the drug and the other medicinal ingredients therein,
- (c) the directions for use given therewith,
- (d) the name and initials of the physician, dentist or veterinary surgeon who issued the prescription,
- (e) the name or initials of the druggist who supplied such narcotic product,
- (f) the date such narcotic product was supplied, and
- (g) the number assigned to the prescription.

17. Every retail druggist shall maintain a special file in which shall be filed in sequence as to date and number any written prescription for a drug or narcotic product received and the written record of any oral prescription provided for in section 16.

18. Except when requiring access to a drug or narcotic product in connection with his business, every retail druggist shall keep all drugs, and narcotic products, except oral prescription narcotic products, securely in a locked receptacle, drawer or safe.

19. (1) Every retail druggist who manufactures a drug or narcotic product shall, in addition to all other records required to be kept by a retail druggist, keep a record of the kind and quantity of any drug or narcotic product used in manufacturing, the name and quantity of the drug or narcotic product manufactured and the date that the manufactured drug or narcotic product was placed in stock.

Opium and Narcotic Drug Act—continued

(2) Before manufacturing a narcotic product, a retail druggist shall submit the formula thereof to the Minister.

(3) For the purposes of this section, "manufacturing" does not include the compounding of a narcotic product pursuant to a prescription of a physician, dentist or veterinary surgeon.

20. (1) Upon receiving the written approval of the Minister, a retail druggist may supply a drug or narcotic product to a licensed person or another retail druggist, subject to such terms and conditions as the Minister deems meet.

(2) A retail druggist shall not remove, transport or transfer a drug or narcotic product from his place of business to any other place of business unless he obtains the written approval of, and conforms with the terms and conditions prescribed by the Minister.

Physicians, Dentists and Veterinary Surgeons

21. The Minister may require a physician, dentist or veterinary surgeon to furnish such information and to keep such books and records respecting any drug or narcotic product received, dispensed, prescribed or given away by the physician, dentist or veterinary surgeon as the Minister deems advisable.

Hospitals

22. A person who is in charge of, or who has the custody of any drug or narcotic product in a hospital, infirmary, convalescent home or other premises where persons or animals receive medical care and treatment shall

- (a) cause to be kept a suitable record of
 - (i) the name and quantity of any drug or narcotic product received,
 - (ii) the date when the drug or narcotic product was received,
 - (iii) the name and address of the person from whom the drug or narcotic product was received,
 - (iv) the name and quantity of any drug used in manufacturing a drug or narcotic product,
 - (v) the name and quantity of any drug or narcotic product manufactured and the date of manufacture,
 - (vi) the name and address of the physician, dentist or veterinary surgeon ordering or prescribing a drug,
 - (vii) the date when the drug was ordered or prescribed and the quantity prescribed, and
 - (viii) the name and address of the person for whom the drug was prescribed or the name and address of the owner of the animal for whose use the drug was prescribed; and
- (b) take all necessary steps to protect the drug or narcotic product against loss or theft.

23. No person in charge of any drug or narcotic product in a hospital, infirmary, convalescent home or other premises where persons or animals receive medical care and treatment shall supply a drug or narcotic product to any person except a patient receiving treatment at such premises and upon the direction of a physician, dentist or veterinary surgeon.

Opium and Narcotic Drug Act—continued*General*

24. The Minister may require an examination to be made at any time during normal business hours of

- (a) the premises used or intended to be used in storing or manufacturing a drug or narcotic product,
- (b) the process and conditions of the storing or manufacturing,
- (c) the qualifications of technical staff concerned with the storing or manufacturing, and
- (d) any records relating to the storing or manufacturing.

25. Every person who pursuant to the Act or these regulations is required to keep records shall

- (a) furnish to an inspector such information respecting the dealings of such person in any drug or narcotic product in such form and at such times as may be required by the Department,
- (b) produce to an inspector any books, records or documents required by the Act or these regulations to be kept by such person, and
- (c) permit an inspector to make copies of or to take extracts from such books, records and documents.

26. A person who is authorized by the Minister to be in possession of a drug or narcotic product may purchase the drug or narcotic product, and such person shall keep a suitable record of

- (a) the kind, date and quantity of any drug or narcotic product purchased or received by him,
- (b) the name and address of the person from whom the drug or narcotic product was received, and
- (c) particulars of the use to which the drug or narcotic product was or is to be put, and the names of all persons participating in such use and the nature of their participation.

27. Every member of the Royal Canadian Mounted Police, constable or peace officer or member of the technical or scientific staff of any Department of the Government of Canada or of a province may possess a drug or narcotic product for the purpose of and in connection with his employment.

28. Every person authorized by the Act or these regulations to have a drug or narcotic product in his possession shall report to the Minister any loss or theft of the drug or narcotic product within ten days of the discovery thereof.

29. Every person required by the Act or these regulations to keep records respecting any drug or narcotic product shall keep such records

- (a) for a period of at least two years,
- (b) in a manner that will enable an audit to be made at any time of the records and any drug or narcotic product on hand, and
- (c) in the premises where any transaction involving a drug or narcotic product took place.

30. No person shall, in any advertisement to the general public, advertise a drug or narcotic product.

Forms

Copies of the forms contained in the Schedule to these regulations may be obtained on application to the Division of Narcotic Control, Department of National Health and Welfare, Ottawa.

Opium and Narcotic Drug Act—continued

2. Consolidated Schedule to the Act

P.C. 1954-1732

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Schedule to the Opium and Narcotic Drug Act, Chapter 201 of the Revised Statutes of Canada, 1952, as amended by Chapter 325 of the Revised Statutes of Canada, 1952, and Chapter 38 of the Statutes of 1953-54, has subsequently been amended by Order in Council P.C. 1954-1211 of 18th August, 1954, pursuant to the provisions of section 24 of the Opium and Narcotic Drug Act;

AND WHEREAS it is desirable that the said Schedule be consolidated in accordance with the Appendix hereto.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of National Health and Welfare and pursuant to the Opium and Narcotic Drug Act, is pleased to consolidate and doth hereby consolidate the Schedule to the said Act in accordance with the Appendix hereto.

Schedule

(1) Opium or its preparations, or any opium alkaloids, or their derivatives, or salts or preparations of opium alkaloids or their derivatives, but not including apomorphine;

(2) Coca leaf, crude cocaine, or their preparations, or any coca alkaloids or their derivatives, or salts or preparations of coca alkaloids or their derivatives;

(3) Cannabis Sativa and its preparations;

(4) Eucaine or any salts or compounds thereof: and without in any way limiting the generality of paragraphs (1), (2), (3), and (4);

(5) Morphine, its derivatives, or any salts or compounds thereof, but not including apomorphine;

(6) Diacetylmorphine and the other esters of morphine and their salts;

(7) Dihydrohydroxycodeinone (of which the substance registered under the name of eucodal is a salt),

Dihydrocodeinone (of which the substance registered under the name of dicodide is a salt),

Dihydromorphinone (of which the substance registered under the name of dilauidide is a salt),

Acetyldihydrocodeinone or acetyldemethylodihydrothebaine (of which the substance registered under the name of acedicone is a salt),

Dihydromorphine (of which the substance registered under the name of paramorfan is a salt),

Opium and Narcotic Drug Act—concluded

Their esters and the salts of any of these substances and of their esters,

Morphine-N-oxide (registered trade name genomorphine), the morphine-N-oxide derivatives, and the other pentavalent nitrogen morphine derivatives;

(8) Ecgonine, thebaine and their salts, benzylmorphine and the other ethers of morphine, and their salts;

(9) Desomorphine (Dihydrodesoxymorphine);

(10) Ethyl 1-Methyl-4-Phenylpiperidine-4-Carboxylate, commonly known as Demerol, Dolantin, Pethidine, Isonipecaïne, Meperidine, and all derivatives thereof, or similar synthetic preparations, for example, alpha-1, 3-dimethyl-4-phenyl-4-propionoxypiperidine also known as Nisentil, and 4-(3'-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone, also known as ketobemidone, and all derivatives thereof;

(11) Methymorphine (codeine) and its salts;

(12) Dihydrocodeine (Paracodeine);

(13) 4-4-Diphenyl-6-Dimethylamino-Heptanone-3, commonly known as Nethadone, Amidone, Physeptone, Dolophine, Turanone, and all derivatives thereof, or similar synthetic preparations, for example, 4, 4-diphenyl-6-morpholinylheptanone-3 hydrochloride, also known as Heptalgin, and 4, 4-diphenyl-6-piperidinyl-5-methylhexanone-3 hydrochloride, also known as pipidone, and all derivatives thereof;

(14) Synthetic phenanthrene alkaloids, or their preparations or their derivatives, or salts, as for example

Racemorphan (*dl*-3-hydroxy-N-Methylmorphinan),

Levorphan (*l*-3-hydroxy-N-methylmorphinan) and

Racemethorphan (*dl*-3-methoxy-N-methylmorphinan),

Levomethorphan (*l*-3-methoxy-N-methylmorphinan)

and all derivatives thereof, under whatever names they may be sold, manufactured or offered for sale, but not including

dextrorphan (*d*-3-hydroxy-N-Methylmorphinan), and

dextromethorphan (*d*-3-methoxy-N-methylmorphinan).

(15) Synthetic dithienylbutenylamines, and their salts, for example, 3-dimethylamino-1,1-di(2'-thienyl)-butene-1 hydrochloride, and 3-ethylmethylamino-1,1-di-(2'-thienyl)-butene-1 hydrochloride.

PATENT ACT. (R.S.C., 1952, c. 203)**Patent Rules**

P.C. 1954-1855

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State and pursuant to the Patent Act, is pleased to order as follows:

Patent Act—continued

1. The Patent Rules, 1948, and the Register of Patent Agents Rules, 1948, established by Order in Council P.C. 2637 of 10th June, 1948, as amended, are hereby revoked; and

2. The annexed "Rules under the Patent Act" are hereby made and established in substitution for the Rules hereby revoked.

RULES UNDER THE PATENT ACT

Short title

1. These rules may be cited as the *Patent Rules*.

Interpretation

2. In these rules,

- (a) "Act" means the *Patent Act*;
- (b) "affidavit" includes a statutory declaration;
- (c) "application" means, except in sections 96 to 109, an application for a patent or an application for a reissue of a patent;
- (d) "communication" includes a notice;
- (e) "disclosure" means the part of the specification other than the claims;
- (f) "examining staff" means the Commissioner, Assistant Commissioner and examiners;
- (g) "final fee" means the fee payable under subsection (1) of section 75 of the Act on grant of patent;
- (h) "Office" means the Patent Office;
- (i) "patent agent" means any person or firm whose name is entered on the Register;
- (j) "prescribed fee" means a fee set out in Schedule B;
- (k) "Register" means the register maintained pursuant to the Act of the names of persons and firms entitled to represent applicants in the presentation and prosecution of applications for patents before the Office;
- (l) "statutory fee" means a fee provided for by section 75 of the Act; and
- (m) "the 1935 Rules" means the rules, regulations and forms made by order of the Governor in Council on the 26th day of September, 1935, as amended.

Attendance, Correspondence and Remittances

3. (1) Unless required by the Commissioner, the personal attendance of an applicant or his agent at the Office is not necessary.

(2) An application shall be prosecuted by correspondence and no regard shall be had to any oral representation or statement not confirmed by letter.

4. Interviews with members of the examining staff may be had during office hours, but any such member may require the production of a written order from the Commissioner for an interview.

5. All communications intended for the Office should be addressed to The Commissioner of Patents, Ottawa, Canada.

Patent Act—continued

6. (1) Except as provided by these rules, correspondence on the subject of any application shall be conducted with only one person, who shall be,

- (a) if a patent agent has been appointed, the patent agent last appointed, or
- (b) if no patent agent has been appointed,
 - (i) the sole applicant,
 - (ii) one of two or more joint applicants authorized by all such applicants to act on their joint behalf, or
 - (iii) if no joint applicant has been so authorized, the first applicant named in the petition.

(2) Except as provided by these rules, any communication sent by the Office to, or received by the Office from, the person with whom correspondence on the subject of an application is being conducted shall be deemed to have been sent to or received from the applicant.

(3) Except as provided by these rules, no regard shall be paid to any communication on the subject of a pending application received from any person other than the person with whom correspondence on the subject of the application is being conducted.

7. Any papers sent to or from the Office relating to an application shall be accompanied by a letter that gives

- (a) the name of the applicant or inventor,
- (b) if a serial number has been allotted to the application, the serial number,
- (c) the title of the invention, and
- (d) if the application has been allowed, the date of allowance.

8. No communication addressed to the Office shall relate to more than one application, but this rule does not apply to assignments and documents of title.

9. Every correspondent shall give the Office his full post office address and any communication sent by the Office to a correspondent at such address shall be deemed to be sent on the date that it bears.

10. (1) An envelope or package addressed to the Office and delivered to the attendant on duty in the building in which the office is accommodated after the Office has closed shall be received by the attendant and shall be stamped by him with the date and time of its receipt by him, and the papers therein contained shall be noted by the Office as having been received by it on the day so stamped.

(2) For the purposes of this section, a day shall be deemed to terminate at midnight at the then prevailing time in Ottawa.

11. Payments to the Office shall be made in the form of legal tender, cheques, certified if so required by the Office, bank drafts, money orders or postal notes, payable to the Receiver General of Canada for the full amount due without deduction for collection, exchange or tax.

Patent Act—continued

Inquiries and Protests

12. The Office shall acknowledge but shall not answer any inquiry that involves a search of the public records of the Office or any inquiry as to the interpretation of the Act or these rules or the patentability of an invention that is not the subject of a pending application.

13. Except as provided by section 11 of the Act or these rules, the Office shall not give any information respecting an application for patent to any person other than the person with whom the correspondence relating to the application is conducted or his duly constituted successor or a person specially authorized by the applicant or his patent agent to receive the information.

14. (1) The answer to an inquiry under section 11 of the Act shall be a mere affirmative or negative as the case requires and the production of a copy of the foreign patent that is the subject of the inquiry may be called for as a condition precedent to the inquiry being answered.

(2) For the purposes of section 11 of the Act and this section, an application that is abandoned shall be deemed to be pending if the time limit for reinstating it has not expired.

15. The receipt of a protest against the granting of an application shall be acknowledged by the Office, but no information shall be given as to the action taken thereon.

Form, Contents and Execution of Applications

16. (1) Every document other than a drawing relating to a patent application shall be clearly and legibly typewritten or printed on sheets of paper of good quality satisfactory to the Commissioner, and no such sheet shall, except in the case of assignments and other documents of title, be more than 8 inches wide and 13 inches long.

(2) One copy of any typewritten document sent to the Commissioner shall be the ribbon copy.

17. (1) A petition for a patent shall indicate the place and the date of execution and shall be executed by the applicant or by his agent duly authorized by an appointment of agent.

(2) An appointment of agent shall be executed by the applicant and may be included in the same document as a petition for a patent.

(3) A nomination of a representative for service shall be executed in the manner prescribed in Schedule A for a petition for a patent and may be included in the same document as that petition.

(4) Any petition, appointment of agent or nomination of representative executed by a company shall be executed under the hand of an officer of the company and, if the company has a seal, under seal.

(5) Any cancellation or addition in any form of petition, appointment of agent or nomination of representative shall be neatly made in ink or by typewriter.

(6) Any appointment of agent or nomination of representative not included in the same document as a petition for a patent shall identify the application to which it relates.

Patent Act—continued

18. (1) The title of an application shall be accurate, concise and as specific as possible and shall not include any trade mark, coined word or personal name.

(2) The Commissioner may alter any title that, in his opinion, does not conform to this section.

19. (1) The specification shall be on sheets of strong, pure white paper eight inches wide and thirteen inches long and shall be in undefaced type not smaller than twelve pitch elite typewriter type, free from interlineations, cancellations or corrections and arranged in double spaced lines, except between claims where triple spacing may be used; on each page, except as permitted by the Commissioner, there shall be clear left-hand and top margins of between one and one and one-half inches and right-hand and bottom margins of between one-half and one and one-half inches.

(2) A shorter side of the sheet shall be the bottom, but for tables, charts and the like that cannot satisfactorily be accommodated within the width of the sheet, the right-hand longer side of the sheet shall be the bottom; if a table, chart or the like is longer than the length of the sheet, it may be divided between two or more sheets.

(3) No drawing or sketch, other than a graphic chemical formula or the like may appear in the specifications.

(4) The pages of the disclosure shall be numbered consecutively at the top and at least every tenth line of each such page shall be numbered in the left-hand margin.

(5) Claims shall be numbered consecutively.

20. The specification shall be wholly in English or wholly in French.

21. The disclosure shall treat the matters set out in Form 22 in the order recommended in that form and shall commence with a preamble drawn exactly in accordance with Form 14 and appearing alone on the lower half of a page of which the upper half is blank.

22. (1) A disclosure must be complete independently of any reference to documents not available to the public.

(2) Any document referred to in a disclosure shall be fully identified, and in the case of an application or patent, the number, date, country and name of the applicant or patentee shall be given.

23. If a disclosure refers to drawings, a brief statement of what each view in the drawings represents shall precede all other references to the drawings.

24. Claims must be complete independently of any reference to any document referred to in the disclosure; a broader claim should precede a narrower, and any additional characteristic described in a narrower claim should be added to those described in a broader claim by referring to the broader claim by number.

25. Every claim must be fully supported by the disclosure, and a claim shall not be allowed unless the disclosure describes all the characteristics of an embodiment of the invention that are set out in the claim.

26. (1) A dependent claim may refer by number to not more than three preceding claims, and any claim so referred to shall not refer by number to more than one claim.

Patent Act—continued

(2) A dependent claim that refers by number to more than one preceding claim shall, for the purposes of computing fees, be counted as a single claim.

27. On the last page of the claims there may be typewritten the name and address of the patent agent and associate patent agent of the applicant, or both, followed by the words "Patent Agent(s) of the Applicant(s)".

28. A trade mark shall not be mentioned in the specification unless the substance that it is intended to identify cannot be accurately and briefly identified without its use, and a trade mark shall not be exclusively used to identify a substance in the specification unless the applicant satisfies the Commissioner that he is unable otherwise to identify the substance; any trade mark mentioned in the specification shall be identified as such therein.

Drawings and Models

29. (1) Drawings for a complete application shall comply with the following requirements:

- (a) every sheet shall be eight inches wide and thirteen inches long and shall have a clear margin of at least one inch on all sides;
- (b) every drawing shall be prepared with clear, permanent black lines, and India or carbon ink of good quality shall be used for pen drawings;
- (c) all views on the same sheet shall stand in the same direction and, if possible, stand so that a shorter side of the sheet is the bottom; if a view longer than the width of a sheet is necessary it may stand so that the right-hand longer side of the sheet becomes the bottom, and if a view longer than the length of a sheet is necessary it may be divided between two or more sheets;
- (d) all views shall be on a sufficiently large scale to be easily read and shall be separated by sufficient spaces to keep them distinct, but shall not be on a larger scale or separated by greater spaces than is necessary for such purposes; there shall be no more views than are necessary to illustrate the invention adequately;
- (e) section lines, lines for effect and shading lines shall be as few as possible and shall not be closely drawn; sections and shadings shall not be represented by solid black or washes;
- (f) reference characters shall be clear and distinct and not less than one-eighth of an inch in height; the same character shall be used for the same part in different views and shall not be used to designate different parts; a character shall be connected by a fine line to the part of the view that it designates; a reference character should not be placed on a shaded surface, but if it is so placed a blank space shall be left in the shading where it appears;
- (g) the views shall be numbered consecutively throughout without regard to the number of sheets;
- (h) three copies of each sheet of drawings shall be filed as follows:
 - (i) two copies shall be on tracing cloth, and the title of the invention or any descriptive matter, scale, dimension or name of a draughtsman shall not appear on any part of a sheet, but each sheet shall bear in the lower right hand corner, if necessary in the margin, the signature of the inventor or the signature of the applicant or agent of the inventor and the name of the inventor;

Patent Act—continued

- (ii) one copy shall be on three-ply good quality Bristol board approximately .015" thick and pure white on both sides; such copy shall not bear any date, place, signature, agent's name or stamp, but the inventor's name and the title of the invention shall be neatly and lightly pencilled on the lower half of the back of the first sheet of the set.

(2) Drawings that sufficiently illustrate the invention shall be accepted for filing under section 32.

(3) Drawings shall be delivered at the Office free of folds, breaks, creases or other imperfections.

(4) Drawings sent by mail shall be transmitted flat and protected by a sheet of binders board.

30. (1) Models or samples shall be furnished only when required by the Commissioner.

(2) Except as permitted by the Commissioner, no model shall exceed twelve inches on its longest side.

(3) Samples shall be enclosed in convenient containers.

(4) Dangerous substances shall be supplied only in accordance with the directions of the Commissioner.

(5) Every model or sample shall be clearly and securely labelled or marked so as to identify the application to which it relates.

Filing and Completion of Applications

31. (1) An application shall be given a filing date when the statutory fee for filing it has been paid and the following documents relating to it have been filed:

- (a) a petition executed by the applicant or a patent agent on his behalf,
- (b) a specification, including claims, and
- (c) any drawing referred to in the specification.

32. Where a petition for a patent is executed on an applicant's behalf by a patent agent, such agent shall be deemed to be the agent appointed by the applicant, subject to the filing of an appointment of agent as prescribed in section 33 and subject to revocation by the applicant.

33. An application is complete only when the statutory fee for filing it, the other statutory fees for any extra claims and the prescribed fee for completion, if applicable, have been paid, and the following documents relating to it have been filed:

- (a) a petition in Form 1, 2, 3, 4, 5, 6, 7, 8, 9 or 10, as the case may be;
- (b) a specification, including claims, in duplicate, in Forms 14 and 22;
- (c) one extra copy of the claims;
- (d) drawings in triplicate (two copies on tracing cloth and one on Bristol board) if drawings are referred to in the specification;
- (e) if the petition is executed by an agent, an appointment of agent in Form 11;
- (f) where required by these rules, an appointment of an associate agent in Form 12;

Patent Act—continued

- (g) if the applicant is not the inventor, evidence that the applicant is a legal representative of the inventor;
- (h) if the applicant does not appear from the petition to reside or carry on business at a specified address in Canada, a nomination of representative.

34. Where the Commissioner considers that any document referred to in section 33 is not prepared as prescribed by the Act or these rules or the Commissioner and the Commissioner has notified the applicant of his objections to the document, the application shall be deemed to be abandoned unless the objections are overcome within either a period of one year from the filing date of the application or a period of three months from the date of the notification, whichever period ends last.

Priority of Applications

35. An application shall not be treated as entitled to the right accorded by section 29 of the Act unless, while the application is pending, the applicant requests that it be so treated and informs the Office of the filing date and number of each application in another country on which he bases his request.

36. The Commissioner may require an applicant who has requested that his application be treated as entitled to the right accorded by section 29 of the Act to file a certified copy of each application in another country on which the applicant bases his request and a certificate from the patent office in which each such application was filed showing the actual date of its filing therein, and may refuse to treat the application as entitled to such rights until each such copy and certificate has been filed.

Prosecution of Applications

37. The Commissioner may, notwithstanding the failure of the applicant to supply the documents necessary to complete an application, take any appropriate action on the application other than the allowance thereof, but such action does not extend the time for completing the application.

38. (1) No application shall be advanced for examination out of its routine order unless, on being satisfied that such advance is in the public interest or that failure so to advance the application is likely to prejudice the rights of the applicant or some other person, the Commissioner directs that such application should be so advanced.

(2) No request for an advance of an application shall be granted unless it is in writing and supported by an affidavit setting out the facts on which it is based.

39. The Commissioner may require the applicant of any Canadian application to furnish, so far as it is available to the applicant, the following information:

- (a) the serial number and filing date of any application for the same invention that is being or has been prosecuted in any other country specified by the Office on his behalf or on behalf of any other person claiming under the inventor named in the Canadian application,
- (b) particulars sufficient to identify the prior art cited against the application in such other country,

Patent Act—*continued*

- (c) the form of the claims allowed therein, and
- (d) particulars of any application or patent with which such application in the specified other country is or has been involved in conflict or interference or similar proceedings.

40. Where by the addition of claims in the course of prosecution the total number of claims put forward for consideration in an application exceeds the number in respect of which the statutory fees have been paid, the Commissioner shall give notice to the applicant that, unless within two months of the date of such notice the statutory fees payable are paid or the number of claims is reduced to the number in respect of which such fees have been paid, the application will be considered to have become abandoned, and the application shall be deemed to have become abandoned if, within such time, such fees are not paid or the number of claims is not so reduced.

41. Prolixity and the inclusion of irrelevant matter or avoidable vagueness of expression in the specification are grounds for the rejection of an application.

42. Where a disclosure describes any embodiment of an invention that is not claimed in the application but is claimed in another Canadian application of the same applicant, the Commissioner may require the applicant to insert a reference to such other application.

43. No more claims shall be allowed than are necessary adequately to protect the invention disclosed, and if two or more claims differ so slightly that the several claims could not be allowed in separate patents the applicant may be required to elect which of such claims he desires to have allowed and to cancel the others.

44. (1) In this section and in sections 45 to 49, "action" means a report of an examiner making a requirement upon the applicant.

(2) The Commissioner shall give notice to the applicant of the grounds of any action taken by the examiner.

(3) An application shall be deemed to be prosecuted after an action thereon by an examiner only when, in answer to the action, the applicant makes a *bona fide* attempt to advance the application to allowance.

45. (1) Where an application appears likely to be in conflict with another application or if the Commissioner considers that it is in the public interest to prescribe a shorter time for prosecuting an application than is set out in section 32 of the Act, the Commissioner may, in the notice to the applicant of any action by an examiner respecting an application, prescribe a shorter time for prosecuting the application.

(2) Where a time has been set by the Commissioner under subsection (1) and the applicant does not, within that time, prosecute the application, the application shall be deemed to have been abandoned.

46. (1) A second action on an application by an examiner on the same ground as a first action may be made final.

(2) A notice to the applicant of any final action shall bear the notation "Final Action" and shall prescribe the time within which the applicant may amend the application or lodge a request that the action by the examiner be reviewed by the Commissioner.

Patent Act—continued

47. (1) A final action shall be deemed, as of the date of the notice thereof, to be a refusal by the Commissioner to grant a patent on the application unless, within the time prescribed in the notice thereof, the applicant either amends the application or lodges a request that the action of the examiner be reviewed by the Commissioner.

(2) If, within the time prescribed in a notice of final action the applicant amends the application, the examiner shall as soon as possible consider the application as amended, and, if in the opinion of the examiner it does not overcome the objection that constituted the grounds for the final action, the Commissioner shall give notice to the applicant accordingly; such notice shall be deemed, as of its date, to be a refusal by the Commissioner to grant a patent on the application as amended unless, within three months of the date of such notice, the applicant lodges a request that the action by the examiner be reviewed by the Commissioner.

(3) A request that the action by the examiner be reviewed by the Commissioner shall be deemed to have been lodged only when the applicant has filed written notice thereof and a full statement of his reasons for contending that the application is not open to objection on the ground stated by the examiner.

(4) After the expiry of the time for amendment as provided by subsection (1), an application may be amended, otherwise than by cancellation of the rejected claims or as required in the notice of the final action, only with the written permission of the Commissioner, or by order of the Exchequer Court if an appeal has been taken to that Court.

Amendments

48. Except as provided in these rules, an application may be amended by the applicant either on his own initiative or in response to any action thereon by an examiner.

49. Every amendment made by an applicant on his own initiative shall be accompanied by a written statement explaining the nature and purpose thereof to the satisfaction of the Commissioner, and every amendment made by him in response to an action by an examiner shall be accompanied by a written statement explaining the nature thereof and how it overcomes the objection.

50. All amendments to the specifications shall be made by inserting in the application, in lieu of the pages to be altered by amendment, fresh pages prepared by the applicant in accordance with section 19 and containing the desired amendments.

51. (1) Amendments to the drawings may be made by altering the sheets of drawings on file if, in the opinion of the Commissioner, such alteration is made neatly and without defacing such sheets, or by inserting in the application, in lieu of the sheets of drawings to be altered by amendment, fresh sheets prepared by the applicant in accordance with section 29 and containing the desired amendments.

(2) Where an applicant desires to amend the drawings of his application by altering any sheet of drawings on file, he may alter the copy of such sheet attached to the duplicate specification and return it to the Office with a statement of the alteration made or submit a print of such sheet showing the desired alteration, in either case with the statutory fee for the print described in subsection (5).

Patent Act—continued

(3) Upon receiving the copy or print and the fee mentioned in subsection (2), the Commissioner shall, in his discretion,

(a) send the copies of such sheet on file in the Office to the applicant for like alteration after causing a print of one of such copies to be made for the Office file, or

(b) cause the alteration in question to be made by the Office in the copies of such sheet on file in the Office and retain the fee.

(4) Before making an amendment to a sheet of the drawings of his application, an applicant may submit to the Office a print of the sheet showing the desired alterations in red, with the statutory fee for the print referred to in subsection (2) and a request that the Commissioner indicate whether or not such amendment may be entered.

(5) Where the Commissioner approves the entry of an amendment, he shall cause a print of an unaltered copy of such sheet to be made, give the applicant notice of his approval and send him all such unaltered copies for alteration in accordance with the showing on the print, and where he disapproves the entry of an amendment, the Commissioner shall notify the applicant accordingly and retain the fee.

52. No amendment to the disclosure shall be permitted that describes matter not shown in the drawings or reasonably to be inferred from the specification as originally filed, and no amendment to the drawings shall be permitted that adds thereto matter not described in the disclosure.

53. Where an amendment to a disclosure cannot be accepted under section 52 but describes matter so intimately associated with the matter described in the disclosure as previously framed that the patent issued on the application should have regard to the new matter, then the new matter may, upon payment of the prescribed fee, be made the subject of a separate supplementary disclosure which shall be attached to and form part of the patent as issued and shall be taken as having been filed on the day upon which the amendment was applied for.

54. Claims that an applicant considers to be fully supported only by the supplementary disclosure either alone or in conjunction with the principal disclosure shall be identified and headed "Claims Supported by Supplementary Disclosure" and shall appear in a group separated from the remaining claims and the supplementary disclosure shall not be considered in support of any claims not so grouped.

55. No request for the addition of a supplementary disclosure to an application shall be granted after the allowance of the application.

56. Not more than one supplementary disclosure is permitted in an application.

57. An application containing a supplementary disclosure shall not be allowed if the application contains no claims supported by the principal disclosure.

Division

58. An application that describes and claims a product and a process for making the product shall not, for that reason only, be deemed to be directed at more than one invention.

59. An application that describes and claims a process and an apparatus specially adapted to carry out the process shall not, for that reason only, be deemed to be directed to more than one invention.

Patent Act—continued

60. (1) Subject to sections 58 and 59, an application that does not contain a claim broader in its scope than any other claim in the application shall be deemed to be directed to more than one invention.

(2) Any question of division arising in an application filed before January 1, 1949, shall be dealt with as provided by section 34 of The 1935 Rules, unless the applicant elects in response to an objection based on that section that subsection (1) of this section shall apply to the application, in which case that subsection shall apply to the application.

Reinstatement of Abandoned Applications

61. (1) A petition for the reinstatement of an abandoned application shall be verified by affidavit and shall set out the facts that resulted in the abandonment, the date of discovery of the abandonment and the steps taken towards reinstating the application between that date and the presentation of the petition.

(2) No petition for the reinstatement of an abandoned application shall be granted unless the Commissioner is satisfied that there has been no unnecessary delay in presenting the petition and unless the applicant has, on or before the day of its presentation, taken the action that he should have taken within the time specified in section 32 of the Act in order to avoid the abandonment of the application or satisfies the Commissioner that he is unable to take such action but will be able to do so within a time fixed by the Commissioner.

Procedure under Section 33 of the Act

62. Where under subsection (1) of section 33 of the Act a joint inventor or his legal representative makes an application alone, the petition shall contain the full names and addresses or the last known addresses of all the joint inventors and shall be accompanied by an affidavit of such joint inventor or legal representative setting out fully the reasons for making the application alone.

63. A request under subsection (2) of section 33 of the Act that a joint applicant or a person to whom an applicant has agreed in writing to assign a patent be allowed to proceed alone with the application shall be accompanied by an affidavit of such applicant or person setting forth fully the facts on which the request is based.

64. (1) A request under subsection (3) of section 33 of the Act that an application be allowed to proceed in the names of fewer inventors than were named in the petition shall be accompanied by an affidavit of at least each person in whose name it is requested that the application be allowed to proceed.

(2) An affidavit mentioned in subsection (1) shall set out all the relevant facts to establish why each person named in the petition as an inventor but whose name is to be withdrawn as an inventor was originally named and why his name should now be withdrawn and, if an affidavit by any such person is not presented, shall set out fully the reasons for its absence.

(3) A request under subsection (3) of section 33 of the Act shall be accompanied by a new petition and preamble, in duplicate, naming only the inventors in whose names the application is to proceed.

Patent Act—continued

(4) When a request under subsection (3) of section 33 of the Act has been granted by the Commissioner, the drawings or tracing cloth shall, on payment of the statutory fee for making prints of them, be returned to the applicant, who shall remove from them the names of the persons that have been withdrawn as inventors and return them, so corrected, to the Office.

65. (1) A request under subsection (4) of section 33 of the Act that a person not named as an inventor in the petition should be joined as such shall be accompanied by an affidavit of that person and of each inventor named in the petition setting out all the relevant facts to establish why the person was not named as an inventor in the petition and should not be joined.

(2) A request under subsection (4) of section 33 of the Act shall be accompanied by a new petition and preamble, in duplicate, naming as inventors each person not named as an inventor in the original petition but whose name is to be added as an inventor and each inventor named in the original petition.

(3) When a request under subsection (4) of section 33 of the Act has been granted by the Commissioner, the drawings on tracing cloth shall on payment of the statutory fee for making prints of them, be returned to the applicant, who shall add to them the name of each person named as an inventor and return them, so corrected, to the Office.

Conflict Proceedings

66. Where a party to a conflict or his agent has authorized the Commissioner in writing to communicate his name to any other party to the conflict who has authorized the communication of his name to the first mentioned party, the Commissioner shall communicate such names accordingly.

67. The Office shall give to each conflicting claim a number preceded by the letter "C" and any communication from or to the Office relating to the conflicting claims shall refer to such claims by that number preceded by that letter.

68. Any party to a conflict may, at any time before the commencement of proceedings in the Exchequer Court, avoid the conflict wholly or partially by amendment or cancellation of any of the conflicting claims in his application, but he is not entitled to amend his application otherwise, except for the purpose of defining the conflict, if it contains any conflicting claim.

69. An applicant may not reassert any claim that has been amended or cancelled to avoid a conflict or assert any claim to an embodiment of his invention not patentably different from that defined in a claim so amended or cancelled.

70. (1) The record of the invention should be set out in a single affidavit by each affiant, and an affidavit of the record of the invention may be withdrawn and a new affidavit substituted therefor, if the withdrawal and substitution is made before the opening of affidavits by the Commissioner.

Patent Act—continued

(2) The substance of any verbal disclosure of the invention, the record of which is set out in the affidavit, shall be given and the date and place of such disclosure shall be stated.

(3) A copy of any drawing or written disclosure of the invention referred to in the affidavit shall if possible, be annexed as an exhibit to the affidavit and if no such copy is annexed, the reason for its absence and the substance of such drawing or disclosure shall be given; the date of such drawing or disclosure shall in every case be stated.

(4) An applicant shall furnish to the Commissioner one extra copy of the affidavit mentioned in this section for each party to a conflict other than himself.

71. Where a conflict is concluded before the inspection of affidavits filed in connection therewith, the envelopes containing such affidavits shall be returned unopened to the applicants from whom they were received.

72. The Commissioner shall, on forwarding a copy of his decision to a party to a conflict, notify the party of the name and address of every other party and his patent agent and the serial number of the application of every such party.

73. After proceedings have been commenced in the Exchequer Court under subsection (8) of section 45 of the Act, the Commissioner shall on the request of any party to the conflict and on receiving the statutory fees prepare a copy of any application involved in the conflict or of the record file thereof and transmit the same to the Exchequer Court for delivery to the party requesting it.

74. An application of an applicant who was a party to proceedings in the Exchequer Court under subsection (8) of section 45 of the Act shall be deemed to be abandoned unless a certified copy of the final judgment determining the rights of the parties to the conflict is filed in the Office within six months of the date of the judgment.

Allowance and Amendments After Allowance

75. Where an application has been found allowable, notice of allowance and of the time within which the final fee must be paid shall be given to the applicant, but if the Commissioner subsequently finds that the application is not allowable, he shall, either before or after the payment of the final fee, withdraw such notice and advise the applicant accordingly.

76. (1) After notice of the allowance of an application, the applicant shall not have any right to amend his application, but the Commissioner may in his discretion permit the entry of an amendment presented by the applicant before payment of the final fee, if such entry does not necessitate a further search by the examiner in respect of the application.

(2) Neither the presentation nor the entry of an amendment after allowance shall operate to extend the time for payment of the final fee.

(3) If the entry of an amendment after allowance presented by the applicant is refused by the Commissioner a copy of such amendment shall be retained on the file of the application in the office.

Final Fee and Issue of Patent

77. The final fee on an application shall be accepted only from the applicant or the patent agent appointed as agent by the applicant or as

Patent Act—*continued*

associate agent by the agent so appointed and shall be acknowledged to the person who paid it as well as to the person with whom correspondence on the subject of the application is being carried on.

78. A patent on an application shall issue to the inventor or a legal representative of the inventor as their interest appears from documents received in the Office in a form acceptable for registration and accompanied by the statutory fee not later than the day of payment of the final fee on such application.

79. The patent on an application shall issue in the language of the specification.

80. (1) Subject to subsection (2), if the final fee on an application is paid before Thursday of any week, the patent on such application shall issue seven weeks from the Tuesday of the next following week, and if the final fee is paid on or after Thursday of any week, the patent shall issue eight weeks from such Tuesday.

(2) On request made not later than the day of payment of the final fee and on payment of the prescribed postponement fee, the Commissioner may postpone the issue of the patent on an application to a day not more than five weeks later than the day of issue of such patent as provided in subsection (1).

Reissue

81. Every petition for the reissue of a patent shall set out fully in what respect the petitioner considers the patent defective or inoperative, how the error arose so far as can be ascertained and the time when and the manner in which the petitioner obtained knowledge of any new fact stated in the revised disclosure or in the light of which any new claims of which allowance is asked have been framed.

82. If an application for reissue is withdrawn or refused or becomes abandoned, the original patent shall be returned to the patentee, and no record of such application shall appear in any file or register relating to such original patent.

Caveats

83. A caveat shall be limited to a single invention and may be signed only by an inventor.

84. The description of a caveat shall describe and illustrate the invention as fully as possible and shall be sufficiently precise to enable the Office to decide whether the caveat may interfere with any subsequently filed application by another person.

85. No document purporting to be an assignment of any interest in a caveat shall be registered by the Office.

Assignments and other documents of title

86. (1) No document shall be registered in the Office against any patent or application unless the person requesting such registration presents to the Commissioner either the original or a typewritten or printed copy thereof certified to be a true copy by a notary public or by an officer of an office in which the original document was recorded or examined under the law of the place where the office is situated.

Patent Act—continued

(2) Where a person who presents a document for registration wishes to obtain a certificate of the registration, he shall present to the Office, in addition to the original or certified copy provided by subsection (1), a duplicate of the document or a notarially certified copy thereof which shall, upon registration of the document, be returned to him by the Office with a certificate of such registration.

(3) Where upon the registration of a document a certificate of registration is not given, the Commissioner shall notify the person who presented the document for registration of the number and date under which and of the patent or application against which it has been registered.

87. Where a document presented for registration against a patent or application is signed by a person on behalf of the registered owner of the patent or application, the original or a duly authenticated copy of the document establishing the right of such person to sign the document shall be filed therewith but shall not require to be registered against such patent or application.

88. Where a document presented for registration against a patent or application refers to agreements to which any of the persons mentioned in the document are parties, it is not necessary, in order to secure registration of the document, to present copies of the agreements.

89. An assignment shall not of itself operate as a revocation of an appointment of agent or nomination of representative, but the registered assignee of all interest in the invention forming the subject of an application may revoke any appointment of agent or nomination of representative previously made in connection with such application.

90. An assignment or other document affecting the rights in an invention described in a pending application may be presented for registration by the applicant or any other person.

Secret Application and Patents

91. Where the Minister of National Defence gives a certificate in accordance with subsection (5) of section 20 of the Act in relation to an application, all entries in any way concerning the application that may appear in any ordinary register maintained in the Office are wholly obliterated, and no further entry concerning the application or any patent granted thereon shall thereafter be made in any such register until that Minister waives the benefits of that section with respect to such application or patent.

92. Where the Governor in Council makes an order under subsection (15) of section 20 of the Act that an application shall be treated for the purposes of that section as if it had been assigned or agreed to be assigned to the Minister of National Defence, the Commissioner shall, as soon as he is informed of such order, notify the applicant thereof by registered mail.

93. The Commissioner shall permit any public servant authorized in writing by the Minister of National Defence or any officer of Her Majesty's Canadian Forces so authorized to inspect any pending application that, in the opinion of the Commissioner, relates to any instrument or munition of war and to obtain a copy of any such application.

Patent Act—continued*Applications Relating to Atomic Energy*

94. (1) The Commissioner shall, pursuant to section 22 of the Act communicate any application to the Atomic Energy Control Board by sending a copy of such application to the Board.

(2) The Commissioner may, by notice, require any applicant for a patent for an invention that in his opinion relates to the production, application or use of atomic energy to furnish the Office with a copy or copies of the application or of any part thereof within such time as he may fix in the notice.

95. Where the Commissioner pursuant to section 500 of the *Atomic Energy Regulations of Canada* omits or delays the doing of anything that he would otherwise be required to do in relation to an application, he shall take prompt steps to ascertain whether the application contains patentable subject matter and whether there is any other application in the Office with which the application would be involved in conflict proceedings and promptly inform the Atomic Energy Control Board of his findings.

Proceedings Under Sections 67 to 73 of the Act

96. (1) In this section and in sections 97 to 109,

- (a) “applicant” means a person who makes an application defined in paragraph (b);
- (b) “application” means an application to the Commissioner under section 67 of the Act;
- (c) “counter statement” means a counter statement referred to in subsection (1) of section 71 of the Act; and
- (d) “proceedings” means proceedings under sections 67 to 73 of the Act.

(2) Every application to the Commissioner under section 67 of the Act shall be in Form 17 and shall be executed by the applicant or on his behalf by a patent agent or a solicitor, and no such application shall be deemed to be filed until the statutory fee in respect of it has been paid.

97. Unless the Commissioner is satisfied that an applicant has a *bona fide* interest and that a *prima facie* case for relief has been made out from the matters alleged in the application and the accompanying declarations, he shall refuse to entertain the application and shall notify the applicant of his decision and of the grounds therefor.

98. Where the Commissioner is satisfied that an applicant has a *bona fide* interest and that a *prima facie* case for relief has been made out from the matters alleged in the application and the accompanying declarations, he shall notify the applicant of the names and addresses for service of all persons appearing from the records of the Office to be interested in the patent and give directions as to the mode of service upon any such person who does not appear from the records of the Office to reside or carry on business at a specified address in Canada and who has not nominated a representative for service in Canada.

99. (1) An applicant who receives a notification under section 98 shall, within two months thereof.

- (a) serve a true copy of the application and of each document filed in connection therewith upon every person who must be served under subsection (2) of section 70 of the Act, and

Patent Act—continued

(b) advertise the application once in *The Canada Gazette* and once in *The Canadian Patent Office Record* in Form 18.

(2) Where the service and advertisement required by subsection (1) are not effected within the time prescribed by that subsection, the application shall be deemed to be abandoned.

100. Any person who is desirous of opposing an application and who has been served with a copy thereof and documents filed in connection therewith shall, within two months of the date of such service, file with the Commissioner a counter statement and a declaration verifying the same and serve upon the applicant a true copy of such counter statement and of each document filed in connection therewith.

101. Any person who is not served with a copy of the application and who is desirous of opposing the application shall, within two months of the date of publication in *The Canada Gazette* or in *The Canadian Patent Office Record*, whichever is the later, file with the Commissioner a counter statement and a declaration verifying the same and serve upon the applicant a true copy of such counter statement and of each document filed in connection therewith.

102. Every counter statement shall be in Form 19 and shall be executed by the person opposing the application or a patent agent or solicitor on his behalf.

103. (1) Within one month of the service of a counter statement upon him, the applicant may file a reply thereto in Form 20, verified by statutory declaration.

(2) Where an applicant files a reply, he shall serve a true copy of the reply and each document filed in connection therewith upon every person who has filed and served a counter statement.

104. Except as provided in these rules, no document in support of or in opposition to an application shall be filed by any party to the proceedings except by order of the Commissioner after notice to all other parties has been given.

105. The Commissioner may, and if requested to do so by the Attorney General of Canada or any party to the proceedings in Form 21, shall, by notice in writing to all parties to the proceedings, fix a date of hearing not less than one month from the date of such notice.

106. If any party to the proceedings has, within two weeks after the date of the notice fixing the date of the hearing, filed with the Commissioner and served upon all parties to the proceedings a notice of intention to adduce evidence at the hearing referred to in section 105, the Commissioner shall entertain oral evidence adduced at the hearing.

107. If no date of hearing has been fixed under section 105, the Commissioner shall decide the issues upon the material filed.

108. Any party to the proceedings may appear in person or may be represented by a patent agent or by counsel.

109. Any person may inspect any document filed in connection with the proceedings and may by written request addressed to the Commissioner obtain a copy of such document on payment of the statutory fees.

Patent Act—continued*Proceedings Under Section 19 of the Act*

110. (1) In this section and in sections 111 to 116,

- (a) “department” means a department of the Government;
- (b) “departmental answer” means an answer to a petition required to be given by a department under subsection (1) of section 112;
- (c) “Government” means the Government of Canada;
- (d) “petition” means a petition referred to in subsection (2); and
- (e) “petitioner” means a petitioner referred to in subsection (2).

(2) Every application to the Commissioner under section 19 of the Act shall be made by way of petition setting out:

- (a) the name of the petitioner and the address of his principal office or place of business, or of his residence if he has no office or place of business;
- (b) the number, issue date and title of the patent for the invention alleged by the petitioner to have been used by the Government;
- (c) particulars of any unregistered assignment by virtue of which the petitioner claims to be the patentee of such patent;
- (d) the name of the department alleged by the petitioner to have used the patented invention;
- (e) particulars of the times when and places where such use has occurred so far as they are known to the petitioner;
- (f) the compensation claimed by the petitioner by way of royalty or otherwise;
- (g) a concise statement of the material facts upon which the petitioner relies in support of his claim for compensation; and
- (h) if the petitioner does not reside or carry on business in Canada, the name and address of a person or firm residing or carrying on business at a specified address in Canada nominated as the petitioner’s representative for all purposes of the proceedings, including the service of documents.

(3) A petition shall be executed by the patentee, his solicitor or patent agent and be supported by affidavit evidence of the material facts therein alleged.

(4) A petition and each affidavit filed in support thereof shall be submitted to the Commissioner in duplicate.

111. (1) Upon the filing of a petition, the Commissioner shall forthwith give notice of the filing of the petition by registered mail to the department named in the petition and send with the notice one copy of the petition and of each affidavit in support thereof.

(2) The Commissioner shall, in a notice given under subsection (1), request the department to admit or deny the use of the patented invention and the validity of the patent in question for the purposes of the proceedings before him.

112. (1) Within one month from the date of the Commissioner’s notice under section 111 or such longer period as the Commissioner may allow with the consent of the petitioner or upon request of the department made to him within such period and after giving the petitioner an opportunity to object to such longer period, the department shall file with the Com-

Patent Act—continued

missioner and serve upon the petitioner or his representative for service an answer to the petition containing an admission or denial of the use by the department of the patented invention and an admission or denial of the validity of the patent referred to in the petition.

(2) If no departmental answer is filed within the time prescribed by subsection (1), the Government shall be deemed to have admitted use of the patented invention and the validity of the patent referred to in the petition.

(3) If a departmental answer contains an admission of the use of the invention and validity of the patent, it shall contain also a concise statement of any facts upon which the department relies in answer to the patentee's claim for compensation.

(4) A departmental answer shall be supported by affidavits in proof of the facts alleged therein, and a copy of each affidavit shall be served with the departmental answer.

113. (1) If in a departmental answer, the department denies use of the invention or the validity of the patent, the Commissioner shall suspend the proceedings before him and shall forthwith notify the parties accordingly.

(2) When it appears to the Commissioner from a certified copy of a declaration of a court of competent jurisdiction that use of the invention or validity of the patent in so far as denied by the department have been determined in favour of the patentee, he shall forthwith give notice to the parties of the resumption of the proceedings before him.

(3) The department shall, within one month from the date of the notice referred to in subsection (2), file with the Commissioner and serve upon the patentee or his representative for service a departmental answer containing a concise statement of any facts upon which the department relies in answer to the patentee's claim for compensation and affidavits in proof of the statements in the departmental answer.

114. (1) At any time after service of the departmental answer, either party may, on four clear days' notice apply to the Commissioner for an order

- (a) for leave to file further affidavits,
- (b) stating that some issue of fact be determined on oral evidence,
- or
- (c) for leave to cross-examine an affiant upon an affidavit filed.

(2) On any application under subsection (1), both parties shall be given an opportunity to be heard.

115. (1) Where a party is given leave to cross-examine an affiant as provided in section 114, the Commissioner shall order the other party to produce the affiant for cross-examination at such time and place as may be fixed by the Commissioner.

(2) If a party is ordered under subsection (1) to produce an affiant and fails to do so, the Commissioner shall refuse to consider the affidavit of the affiant and it shall be stricken from the record.

(3) The Commissioner may, in his discretion, require the party on whose behalf an order for cross-examination has been made to tender to

Patent Act—continued

the other party, before production of the affiant, an amount sufficient to pay necessary travelling, hotel and living expenses of the affiant in connection with the cross-examination.

116. At any time after one month from the filing of a departmental answer, either party may apply to the Commissioner to fix a time and place for the hearing of the application; if no order has been made under section 114, the hearing shall proceed on the affidavit evidence filed by the parties.

*Service and Late Filing of Documents in Proceedings
Under Sections 19 and 67 to 73 of the Act*

117. Any party to proceedings under section 19 or sections 67 to 73 of the Act who does not reside or carry on business in Canada shall, in the first document filed by him in connection with such proceedings, nominate as his representative for service in Canada for such proceedings a person who resides or carries on business at an address in Canada specified in such document.

118. (1) Service of a document upon a party to proceedings under section 19 or sections 67 to 73 of the Act may be effected either by serving the document on the party or his representative for service in Canada or his patent agent or solicitor personally or by sending the document by registered mail to the address in Canada of such party, representative for service, patent agent or solicitor.

(2) Service of a document by registered mail under subsection (1) shall be deemed to be effected on the day on which receipt is acknowledged of a registered letter containing the document addressed to the person to be served.

119. Where a document required by section 100, 101, 103, 106, 112 or subsection (3) of section 113 is not filed and served within the time prescribed therein, the Commissioner shall refuse to take cognizance of it except with the consent of all parties to the proceedings or upon being satisfied, after giving all parties an opportunity to be heard, that cognizance should be taken of the document.

General

120. The Commissioner may refuse to take cognizance of any document submitted to him that is not in the English or French language until there is submitted to him a translation of the document in one of those languages verified by affidavit.

121. An affidavit made under these rules may contain a statement of the facts within the knowledge of the deponent or may be based on information and belief, but an affidavit based on information and belief shall set out the grounds for such belief.

122. An affidavit may be sworn before a notary, commissioner for oaths or any other person having authority to take affidavits in the place where the affidavit is sworn.

123. A certificate by a notary or other public officer that a statement has been acknowledged before him to be true shall be accepted in lieu of an affidavit if under the law of the place at which the acknowledgment purports to have been taken, an untrue statement so acknowledged entails a legal responsibility upon the person by whom it was made.

Patent Act—continued

124. The Commissioner may require such action, not otherwise provided for in the Act or these rules, as is proper and necessary for the completion or prosecution of an application.

125. The Commissioner may fix a time for the taking of any action for which a time is not prescribed by the Act or these rules and an application may be deemed to be abandoned if such action is not taken within the time so fixed.

126. Except as provided in these rules, if the Commissioner is satisfied by an affidavit setting forth the relevant facts that having regard to all the circumstances any time prescribed by these rules or the 1935 Rules or fixed by the Commissioner for doing any act ought to be extended, the Commissioner may, either before or after the expiration thereof, extend such time.

127. Where a time prescribed by these rules is extended pursuant to section 126, the extended time shall be deemed for the purposes of these rules to be the time prescribed by these rules, but no extension of time shall affect any action properly taken by the Office before such extension was granted by the Commissioner.

128. Any document relating to an application other than a specification or drawing, may be corrected by the Commissioner if he is satisfied that the document contains a clerical error.

129. The forms prescribed in Schedule A shall be used wherever applicable.

Patent Agents

130. Only an inventor himself or a patent agent appointed as agent by the applicant or as associate agent by a patent agent so appointed may prosecute an application for patent before the Office, and a separate appointment shall be filed for each application prosecuted by an agent or associate agent.

131. Every patent agent who does not reside in Canada who is appointed as agent for an applicant in respect of an application shall appoint as associate agent in respect of the application, a patent agent who resides in Canada.

132. Upon the death of a patent agent, any patent agent who is shown to the satisfaction of the Commissioner to be the successor in business of the deceased patent agent shall, in respect of any application in which the deceased patent agent had been appointed as agent or associate agent, be deemed to be the appointed agent or associate agent, as the case may be, for the purposes of the Act and these rules, until another patent agent is appointed or until the Commissioner otherwise orders.

133. (1) No person whose name appeared on the Register on June 1, 1948, as a resident of Canada shall, in describing himself in connection with his practice as a patent agent, use any expression including the word "patent" or "patents" other than the expression "patent attorney" or "patent agent".

(2) No person whose name has been entered on the Register after the 1st day of June, 1948, and who is a resident of Canada shall, in describing

Patent Act—continued

himself in connection with his practice as a patent agent, use any expression including the word "patent" or "patents" other than the expression "patent agent".

(3) Subsections (1) and (2) apply to a firm whose name is on the Register according as the names of the majority of the members of such firm whose names are on the Register appeared on the Register on June 1, 1948, or were entered thereon after such date.

134. No patent agent shall maintain or in any way indicate that he maintains any office in Canada unless he establishes to the satisfaction of the Commissioner that such office is in charge of a person whose name appears on the Register as a resident of Canada and who devotes his full time to the business of that office.

135. (1) No advertising matter of a patent agent for the promotion of his business

(a) shall be issued unless approved by the Commissioner, or

(b) shall contain anything from which it may be inferred that the Commissioner vouches for the statements made therein or the ability or integrity of the advertiser.

(2) Paragraph (a) of subsection (1) does not apply to an advertisement containing only the name and address of the patent agent and statements of his professional and technical qualifications and the nature of the business conducted by him in a form in which such statements normally appear on a professional card.

136. (1) Where the Commissioner has reason to believe that any patent agent

(a) has been guilty of gross misconduct,

(b) is incompetent to practise as a patent agent,

(c) has made any representation to any applicant or prospective applicant for patent or to the Office which he knew or had reasonable cause to believe was misleading or false,

(d) has violated sections 133, 134 or 135; or

(e) has in any other respect so conducted himself that his recognition as a patent agent may require to be refused,

he shall take immediate steps to ascertain all the relevant facts and give such agent and any person who has made a complaint against such agent an opportunity on due notice of being heard before him.

(2) If, following a hearing under subsection (1), the Commissioner is satisfied that, by reason of the facts as found by him, he should refuse to recognize a person as a patent agent, he shall make an order that the recognition of the person as a patent agent be refused either permanently or until any condition imposed by the Commissioner has been complied with.

137. Any order of the Commissioner that the recognition of a patent agent be refused shall be forthwith entered in the Register and published in *The Canadian Patent Office Record*, and a copy thereof shall be sent by registered mail to the patent agent named therein.

138. (1) When the Commissioner has made an order that a person be refused recognition as a patent agent, notice of any action respecting an

Patent Act—continued

application given by the Office to such agent less than six months before the date of the order and to which no reply has been made by such date shall not be deemed to have been given to the applicant.

(2) An application filed by a person whose recognition as a patent agent has been refused by order of the Commissioner or an application including an appointment of such a person as agent of the applicant or as associate agent of a principal agent appointed by the applicant shall be treated by the Commissioner as an application filed by the applicant himself or by such principal agent.

Registration of Patent Agents

139. Except as provided in these rules, the name of any person or firm that appears on the Register at the time these rules come into force shall remain thereon.

140. (1) In this section and in sections 141 to 144, "examination" means an examination described in paragraph (a) of subsection (2).

(2) There may be added to the Register, on payment of the prescribed fee, the name of

(a) any person who resides in Canada who

(i) has been employed under the personal supervision and direction of a patent agent in the preparation and prosecution of patent applications for three years, or, in the case of a graduate in science, applied science or engineering from a university of recognized standing, for eighteen months,

(ii) has been employed on the examining staff of the Office for three years, or in the case of a graduate described in subparagraph (i), for eighteen months,

(iii) is entitled to practise as a barrister, solicitor or advocate in any province of Canada, or

(iv) is entitled to practise as a notary in the Province of Quebec, and who satisfies the Commissioner that he is of good character and passes the examination relating to patent law and practice including the preparation and prosecution of applications for patent prescribed by the Examining Board described in section 142;

(b) any person who resides in Australia, Ceylon, Eire, India, New Zealand, Pakistan, the United Kingdom or the Union of South Africa or any colony, dependency or territory of any such country and who satisfies the Commissioner that he is registered and in good standing with the patent office of such place;

(c) any person who resides in the United States of America who satisfies the Commissioner that he is registered and in good standing with the United States Patent Office; and

(d) any firm, the name of at least one of whose members is entered on the Register.

141. (1) Subject to this section, a person described in subparagraph (i) or (ii) of paragraph (a) of subsection (2) of section 140 is eligible for the examination if he has been employed as described in that subparagraph for the period therein set out less six months and complies with the other requirements of that paragraph.

Patent Act—continued

(2) A person described in subparagraph (iii) or (iv) of paragraph (a) of subsection (2) of section 140 who complies with the requirements of that paragraph is eligible as a candidate for the examination.

(3) A person described in subparagraph (i) of paragraph (a) of subsection (2) is not eligible for the examination unless he submits to the Commissioner an affidavit by every patent agent by whom he was employed setting out fully the work done by him during such employment.

142. (1) There shall continue to be an Examining Board consisting of two members and one alternate from the examining staff of the Office appointed by the Commissioner and two members and one alternate nominated from among patent agents by the Council of the Patent Institute of Canada and appointed by the Commissioner.

(2) A person on the Examining Board at the time these Rules come into force shall remain on the Examining Board until the expiration of the term for which he was appointed.

(3) Subject to subsection (6), an appointment to the Examining Board shall be for a term of three years from the date of appointment.

(4) An alternate shall take no part in the work or deliberations of the Board unless he receives notification from the Commissioner that one of the members for whom he is an alternate is unable to act, but shall, in the period between any such notification and a further notification from the Commissioner that such member is again able to act, be deemed for all purposes to be a member of the Board.

(5) A member of the Board may be re-appointed at the termination of his term of office.

(6) Where a member of the Board dies, the member who is appointed in his stead shall hold office until the term of the deceased member would have expired.

143. (1) An examination shall be held during the month of October in each year if on or before the 1st day of July in that year at least one candidate has notified the Commissioner of his desire to take an examination and has paid the prescribed examination fee.

(2) The Commissioner shall give notice in the first three issues of *The Canadian Patent Office Record* after the 1st day of August of the day fixed for the holding of an examination and an examination of which such notice has been given may be taken by any candidate who, not less than one month before the day fixed notifies the Commissioner of his desire to take it and pays the prescribed fee.

(3) The Commissioner shall designate the place or places in Canada where the examination will be held and notify the candidates accordingly by registered letter despatched not less than two weeks before the day fixed for the holding of the examination.

144. (1) Between the 1st day of January and the 1st day of April in every year

(a) every person whose name appears on the Register as residing in Canada shall pay the prescribed fee,

Patent Act—continued

(b) every person who does not reside in Canada and whose name is entered on the Register by virtue of his being registered at the Patent Office of his country of residence shall file a statement signed by him giving his country of residence and stating whether he is still registered and in good standing with the patent office of such country, and

(c) every firm the name of which is entered on the Register shall file a statement, signed by a member thereof whose own name is on the Register setting out all the members of the firm whose names appear on the Register.

(2) If any person or firm fails to do anything prescribed by subsection (1), the Commissioner shall send such person or firm a first notice by registered mail requiring that, within a time specified in the notice such thing should be done and, in the case of a person mentioned in paragraph (a) of subsection (1), the prescribed fee be paid for such notice.

(3) If any person or firm fails to do anything required by the notice under subsection (1), the Commissioner shall send such person or firm a second notice by registered mail stating that, unless that thing is done within a time specified in the second notice, the name of such person or firm will be removed from the Register.

(4) The Commissioner shall remove the name of any person or firm from the Register that fails to do anything required by the second notice.

(5) The time specified in the notices mentioned in this section shall, in the case of any person or firm that resides in Canada, be two months from the date of the first notice and one month from the date of the second notice, and shall, in the case of any person or firm that does not reside in Canada, be four months from the date of the first notice and three months from the date of the second notice.

(6) The name of any person or firm that has been removed from the Register under subsection (4) may be reinstated thereon without complying with the requirements of rule 140 on presenting a petition to the Commissioner within one year after the date on which it was removed and on payment of the prescribed fee if the petitioner satisfies the Commissioner that the failure to do the thing required by subsection (1) and to pay the charge specified in the first notice mentioned in subsection (2) was not reasonably avoidable.

(7) Half the amount of the annual fee which is paid by any person shall be credited against any annual subscription to *The Canadian Patent Office Record* made by such person at the time such fee is paid.

145. (1) The name of a person shall remain on the Register only so long as the person continues to have the qualifications, including that of residence, by virtue of which his name was entered on the Register.

(2) The name of a firm shall remain on the Register only so long as the name of at least one person who is a member of such firm is on the Register.

Forms

Copies of the forms contained in Schedule A may be obtained on application to the Commissioner of Patents, Patent and Copyright Office, Ottawa.

Patent Act—concluded

Schedule B

FEES UNDER SECTION 75(4) OF THE PATENT ACT

(a) On applying for registration under section 140	\$ 5.00
(b) On notifying the Commissioner in accordance with section 143 of the desire of a candidate to take an examination	5.00
(c) For maintaining the name of a patent agent on the Register as a resident of Canada under section 144(1)(a) if paid between January 1 and April 1	10.00
(d) For notice under section 144(2)	2.00
(e) On reinstating a name on the Register under section 144(6)	5.00
(f) On completing an application not completed on its filing date and filed after March 31, 1954	5.00
(g) On asking after March 31, 1954 that an amendment, whenever filed, be made the subject matter of a supplementary disclosure under section 54	20.00
(h) On asking for postponement of the issue of a patent under section 81(2)	5.00
(i) <i>The Canadian Patent Office Records</i> annual subscription for any year commencing after March 31, 1954 (entitling subscriber to one copy of each issue and the annual index)	25.00
Each single number (not covered by an annual subscription)	0.50
Annual Index	2.50
(j) Each printed copy of a Canadian Patent	0.50

PENSION ACT. (R.S.C., 1952, c. 207)

No regulations have been made under this statute.

PEST CONTROL PRODUCTS ACT. (R.S.C., 1952, c. 209)

	Page
1. Fees payable for analyses	2536
2. Pest Control Products Regulations	2536

1. Fees payable for analyses

See Feeding Stuffs Act, Volume II, page 1296

2. Pest Control Products Regulations

Under and by virtue of the authority conferred upon me by the Pest Control Products Act I hereby revoke all regulations made under the said Act and substitute therefor regulations as follows:

JAMES G. GARDINER,
Minister of Agriculture.

Ottawa, December 2, 1954.

THE PEST CONTROL PRODUCTS REGULATIONS

1. These regulations may be cited as the *Pest Control Products Regulations*.

2. In these regulations,

- (a) "Act" means the Pest Control Products Act;
- (b) "adjuvant" includes spreader, sticker, emulsifier and activator;

Pest Control Products Act—continued

- (c) “Minister” means the Minister of Agriculture;
- (d) “pest” means any injurious, noxious or troublesome species of plant or animal life; and
- (e) “pesticide” means any pest control product.

Application

3. These regulations apply to all pesticides including any adjuvant sold or advertised for sale that is intended to be mixed with a pesticide.

4. The following materials are exempt from the provisions of the Act and these regulations:

- (a) any product to which the Proprietary or Patent Medicine Act or the Food and Drugs Act applies unless that product is sold or advertised for sale for the purpose of controlling pests that affect agriculture, industry or households;
- (b) any naphthalene or paradichlorobenzene product to which the Food and Drugs Act applies that is sold by a retail druggist registered under the Pharmacy Act of a province, if no distinctive brand name is associated with the name of the product and no claim is made by the seller that the product is effective for the purpose of controlling pests;
- (c) any product when used for the purpose of controlling pests by a person engaged in the business or occupation of pest control operator;
- (d) any article that is represented as treated to prevent damage from or to repel any pest, or any device represented as having pest control properties attributable entirely to mechanical action, if the representations in respect of any such article or any such mechanical device are substantiated by evidence satisfactory to the Minister; and
- (e) any products commonly known as disinfectants sold and used exclusively for the purpose of controlling bacteria, fungi, viruses, or similar organisms that directly affect the health of man or animals.

Registration

5. (1) An application for the registration of a pesticide shall be made on Form PS 54, and shall set forth in detail

- (a) the chemical and physical nature of the product;
- (b) the specific and complete claims and representations of the applicant as to the purposes of the product in pest control; and
- (c) practical directions for the use of the product.

(2) The applicant shall submit with his application:

- (a) three copies of the directions for the use of the product, setting out:
 - (i) the time for and the frequency and method of application of the product;
 - (ii) the quantity to be used; and
 - (iii) the purposes for which it is intended; and
- (b) three copies of the text of the label that is to be used on the container of the product, bearing the information required by section 9 of the Act and section 16 of these regulations.

Pest Control Products Act—continued

(3) Where an application to register a pesticide is made for the first time, the applicant shall submit:

- (a) evidence acceptable to the Minister as to the practical effectiveness and safety of the product; and
- (b) protocols of experiments establishing the comparative mammalian toxicity of any new material contained in the product.

6. (1) A registration certificate applies only to the pesticide described in the application to which the certificate relates.

(2) With the approval of the Minister, an application for the registration of a pesticide and the directions for use submitted therewith may be amended before or after registration, and the registration shall, for the purposes of these regulations, be deemed to relate to the application and directions as amended.

7. The ingredients and active substances contained in a pesticide in respect of which application is made for registration shall be described by their appropriate common names as set out in Schedule A, and where Schedule A does not contain a name that is applicable to any ingredient or active substance in the product, by the appropriate name set out in a standard chemical dictionary in common use.

8. Every ingredient and active substance mentioned in an application for registration shall be described by its chemical formula, if any, as well as by its common name.

9. (1) No person shall make any claim as to the effectiveness or purpose of a pesticide unless the claim is set forth in the application for the registration of the pesticide.

(2) No person shall sell any pesticide under any directions for use unless those directions are the directions to which the registration of the pesticide relates.

Brand Name

10. (1) The brand name shall, whenever practicable, be descriptive of the pesticide as to

- (a) active substances,
- (b) physical form, and
- (c) purpose.

Examples:

- (i) "3 per cent DDT Insecticide Dust"
- (ii) "Blank's Liquid Herbicide (containing Butyl Ester of 2,4-D)".

(2) The brand name may also include a distinctive trade mark.

Guarantees

11. Any representation or claim respecting the ingredients or effectiveness of a pesticide constitutes a guarantee of that product for the ingredients or degree of effectiveness claimed.

12. (1) Where the Act or these regulations require a guarantee to be given in respect of any pesticide, it shall be given in accordance with this section.

Pest Control Products Act—continued

(2) The guarantees required by paragraph (d) of subsection (1) of section 4 of the Act and paragraph (f) of section 9 of the Act shall, when the strength or effectiveness of the pesticide can be determined by chemical or physical analysis, be as follows:

- (a) every such guarantee shall comply with Schedule A in respect of the use of common names of active substances listed in Schedule A;
- (b) every such guarantee in respect of a product listed in Schedule B shall comply with Schedule B unless otherwise permitted;
- (c) no claim shall be made in respect of any active substance unless present to provide a satisfactory degree of effectiveness;
- (d) every guarantee in respect of an active substance shall specify the minimum content by weight of such active substance, and
 - (i) for liquid concentrates the guarantee shall specify the content of each active substance as the percentage by weight, or the weight (avoirdupois) per unit of volume (Imperial), or both, as may be required.
 - (ii) for dusts, wettable powders and other dry formulations, the guarantee shall specify the percentage by weight of each active substance present,
 - (iii) if it is claimed that the physical form or state of a pesticide is an index of effectiveness, such form or state shall be indicated in the guarantee; and
- (e) an additional guarantee of biological effectiveness as provided by subsection (3) shall be stated if the Minister so requires.

(3) When the strength or effectiveness of any pesticide cannot be determined satisfactorily by chemical or physical analysis, the pesticide may be registered and offered for sale subject to a guarantee of biological effectiveness filed with the application for the registration of the product, and the guarantee shall be stated as follows:

“Guarantee: Satisfactory biological effectiveness for the purposes claimed when used according to directions”

or, if an abbreviated form of guarantee is desired, the words:

“Effective for purpose claimed”

shall suffice, and shall be deemed to have the same meaning.

13. The pesticides listed in Schedule C shall in each case be in accordance with the specifications and other requirements prescribed by Schedule C.

14. No claim shall be made for the control by any pesticide of any disease required to be reported under the provisions of the Animal Contagious Diseases Act.

Packaging of Pesticides

15. (1) Every container of a pesticide containing sodium chlorate or other chlorate or substance that may cause fire shall be of metal or glass or other non-combustible and durable material.

(2) Every container of a pesticide containing thallium, of any of its compounds or mixtures, shall be of a type approved by the Minister; a sample container shall accompany the application for registration of the product.

Pest Control Products Act—continued

(3) Opaque containers only shall be used for pesticides containing rotenone; pyrethrins or other materials affected by light.

(4) Volatile active substances shall be packed in durable and air-tight containers.

Labelling of Containers

16. (1) The information required by section 9 of the Act to be shown on each container of a pesticide shall be printed conspicuously, legibly and indelibly and in logical sequence on the container, tag or label.

(2) The brand name and statement of guarantee shall in all respects conform to the brand name and guarantee as set forth in the registration certificate for the product.

(3) The name of each active substance, the statement of the content thereof and, when relevant the viscosity or specific gravity, shall be stated immediately following the word "Guarantee".

Examples:

- "Guarantee: Arsenic 2 per cent"
- "Guarantee: 2,4-D acid equivalent per gallon, 30 ounces"
- "Guarantee: Mineral Oil 100 per cent
S.U. Viscosity in seconds at 100° F
100-109".

(4) No information inconsistent with or in any manner qualifying a guarantee shall be shown on any container, tag or label or in any advertisement of a pesticide.

(5) The following is an acceptable form for the printing or marking on containers, tags or labels of the information required by section 9 of the Act:

2 oz. net

X I T Liquid Gopher Poison (containing strychnine)

Registration No. P.C.P. Act

Guarantee: Strychnine 2 per cent


CALL A DOCTOR IN CASE OF ACCIDENT

Antidote.....

.....

.....

.....



.....

.....

.....

Strychnine

Poison

Manufactured by the

RODENT SPECIALTY COMPANY

Townsville, Canada.

(6) Containers of a pesticide, the brand name of which is not descriptive of the pesticide as to the active substance, shall indicate the chemical nature of such pesticide. Example: "a thiocyanate product".

(7) Containers of pesticides that deteriorate as a result of freezing shall bear a caution to the effect that the product should be kept from freezing.

Pest Control Products Act—continued

(8) Containers of pesticides containing sodium chlorate or other substances that in association with any organic material may be combustible shall bear the caution "May Cause Fire" in a conspicuous position together with suitable directions for the handling and storage of the product; a copy of such directions shall accompany the application for the registration of the product.

(9) Quantities of a pesticide sold by retail from an open container shall be legibly marked or labelled with the name and address of the retailer or vendor and the information marked on the original container as required by section 9 of the Act.

(10) Words stating, implying or inferring that a pesticide is approved, accepted or recommended by the Government of Canada or by any department or service thereof shall not be used on any container, label, tag or on any advertisement for such product.

Poisonous Substances

17. A pesticide that contains an amount of any substance harmful to humans shall be labelled in a conspicuous manner with the name of such substance and the word "POISON" together with the poison symbol (skull and cross-bones); the label shall also bear a conspicuous instruction to the effect that in the case of accident a doctor should be called, and shall also set forth an antidote acceptable to the Minister.

Statement of Contents of Containers

18. (1) The net content of containers of fluid pesticides containing quantities from 16 fluid ounces to 160 fluid ounces shall be stated both in terms of fluid ounces and in terms of pints, quarts or gallons or fractions thereof, Imperial measure.

Examples:

"16 fluid ounces ($\frac{4}{5}$ pint)"
 "20 fluid ounces (1 pint)"
 "32 fluid ounces ($\frac{4}{5}$ quart)"
 "40 fluid ounces (1 quart)"
 "64 fluid ounces ($\frac{2}{5}$ gallon)"
 "80 fluid ounces ($\frac{1}{2}$ gallon)"
 "128 fluid ounces ($\frac{4}{5}$ gallon)"
 "160 fluid ounces (1 gallon)".

(2) The net content of containers of fluid pesticides containing more than one gallon shall be stated in terms of quarts or gallons, Imperial measure.

(3) The net content of containers of fluid pesticides containing less than 16 fluid ounces shall be stated in terms of fluid ounces, Imperial measure.

(4) The net content of containers of pressure-packed pesticides shall be stated in terms of weight (avoirdupois).

Testing of Pesticides

19. (1) Testing of pesticides may be required prior to registration.

(2) Such tests as may be required may be conducted under field conditions in direct collaboration with the applicant for the registration of the pesticides.

Pest Control Products Act—continued

(3) Results of such tests, as determined by the official of the Department of Agriculture responsible for the conduct of the tests, shall be final and shall constitute the basis on which registration shall be granted or refused.

20. The testing of pesticides specified in Schedule D shall be in accordance with the methods prescribed in Schedule D.

Official Samples

21. (1) Samples for analysis or test shall be taken as follows:

- (a) when the content of the container is one pound or less, or in the case of liquids one Imperial pint or less, the entire container shall constitute the official sample;
- (b) when the content of the container is more than one pound, or in the case of liquids more than one Imperial pint, a representative sample of the whole of approximately one pound or in the case of liquids, one pint, shall be drawn from the container thereof and shall constitute the official sample, but one ounce shall be sufficient for an official sample of alkaloids and other highly concentrated and expensive products; and
- (c) when a viscosity test is required of any pesticide, one quart shall constitute the official sample.

(2) Each official sample shall be forwarded to an official analyst.

(3) When the official sample consists of a pesticide in its unbroken container and is labelled with the name and address of the manufacturer, importer or vendor as required by section 9 of the Act, no witness to the taking of such sample is required; but when the sample is taken from a broken container, one witness to the taking and sealing of such sample is required, and the name and address of such witness shall be given in the inspector's information statement regarding the sample.

(4) Official samples, other than entire containers, shall be sealed in glass or other suitable containers to preserve the condition of the product.

Importations

22. (1) Every shipment of a pesticide for importation into Canada shall be accompanied by a signed statement of the shipper or importer, in triplicate, which shall be attached to the invoice of sale for customs purposes.

(2) The signed statement shall be in the following form:

The Collector of Customs,

Port of Date

I, the Shipper or Importer
(Name)

.....
(Address)

do hereby certify as to the correctness of the following particulars in respect of this shipment of pest control product for entry into Canada.

1. The name and address of the manufacturer of the pest control product

.....
(Name) (Address)

Pest Control Products Act—continued

2. The name and address of the shipper or importer (if this statement is signed by the shipper, give the name and address of the importer; if signed by the importer, give the name and address of the shipper)—

.....
(Name) (Address)

3. Particulars of the shipment as registered under The Pest Control Products Act.

Brand Name	Registration Number	No. of Packages	Weight in lb.	or	Volume in gal.
------------	---------------------	-----------------	---------------	----	----------------

.....
(Signature of Shipper or Importer)

NOTE: Shippers and Importers may obtain the above forms at any Plant Products Division office in Canada.

(3) The Collector of Customs at the port of entry shall forward one copy of the signed statement of the shipper or importer to the nearest District Supervisor of Pest Control Products Inspection, Plant Products Division, Department of Agriculture.

(4) Collectors of Customs may hold in bond any pesticide pending compliance with the provisions of the Act and these regulations, and may refuse importation of any pesticide when advised by an Inspector that it has not been registered as required by the Act or that its sale in Canada would be contrary to any of the provisions of the Act or of these regulations.

Schedule A

(see section 12)

Arsenic Materials

Calcium Arsenate: contains at least 70 per cent of tricalcium arsenate ($\text{Ca}_3(\text{AsO}_4)_2$) equivalent to 26 per cent of arsenic (As), and an excess of lime ($\text{Ca}(\text{OH})_2$).

Copper Arsenite: contains at least 95 per cent of copper arsenic essentially of the formula ($\text{Cu}_2\text{As}_2\text{O}_3$) equivalent to 35 per cent of copper (Cu) and 32 per cent of arsenic (As).

Lead Arsenate (standard): is essentially di-lead orthoarsenate (PbHAsO_4) and contains at least 19.5 per cent of equivalent arsenic (As) and 58 per cent of equivalent lead (Pb).

Lead Arsenate (standard) paste: is lead arsenate (standard) diluted with water to paste form. Its equivalent arsenic (As) content is at least 9.7 per cent.

Lead Arsenate (basic): is essentially the compound having the formula ($\text{Pb}_4(\text{PbOH})(\text{AsO}_4)_3 \cdot \text{H}_2\text{O}$) and contains at least 14 per cent equivalent arsenic (As), and 68 per cent of equivalent lead (Pb).

Lead Arsenate (basic) paste: is lead arsenate (basic) diluted with water to paste form. Its equivalent arsenic (As) content is at least 7 per cent.

Paris Green: is essentially copper acetoarsenite (CuAs_2O_4)₃. $\text{Cu}(\text{C}_2\text{H}_3\text{O}_2)_2$ and contains at least 24 per cent of equivalent copper (Cu) and 39 per cent of equivalent arsenic (As).

Pest Control Products Act—continued

Sodium Arsenate: contains at least 95 per cent of trisodium arsenate ($\text{Na}_3\text{AsO}_4 \cdot 12\text{H}_2\text{O}$) equivalent to 16·7 per cent of arsenic (As).

Sodium Arsenite: contains essentially sodium meta-arsenite (NaAsO_2) equivalent to at least 50 per cent of arsenic (As).

Arsenic Trioxide (White Arsenic): contains at least 95 per cent of arsenious anhydride (As_2O_3) equivalent to 71 per cent of arsenic (As).

Chlorine Materials

Aldrin is the insecticidal chemical 1,2,3,4,10, 10-hexachloro-1,4,4a,5,8, 8a-hexahydro-1,4,5,8-dimethanonaphthalene.

Technical Aldrin contains not less than 95 per cent of aldrin and not more than 5 per cent of related chlorinated hydrocarbons.

BHC is the insecticidal chemical benzene hexachloride which is 1,2,3,4,5,6-hexachlorocyclohexane. It contains not less than 10 per cent gamma isomer.

Chlordane is the insecticidal chemical 1, 2, 4, 5, 6, 7, 8, 8-octochloro-2,3, 3a, 4,7,7a-hexahydro-4,7-methanoindene.

Technical Chlordane contains not less than 60 per cent of chlordane and not more than 40 per cent of related insecticidal compounds.

DDT, otherwise known as dichloro-diphenyl-trichloroethane, contains not less than 70 per cent of p-p'-DDT, (1,1,1-trichloro-2,2-bis (parachlorophenyl) ethane) and not more than 30 per cent of related compounds the chief of which is O-p'-DDT.

Lindane is at least 99 per cent pure gamma isomer of BHC.

MCP is the herbicidal chemical 2-methyl-4-chlorophenoxy acetic acid.

Methoxychlor is the insecticidal chemical dimethoxy-diphenyl-trichloroethane. It is the methoxyanalogue of DDT.

Pentachloro-phenol is the insecticidal and herbicidal chemical having the empirical formula $\text{C}_6\text{Cl}_5\text{OH}$ and containing 66·56 per cent chlorine.

TCA means the herbicidal chemical trichloroacetic acid. The salt of this chemical should be stated, e.g., TCA Sodium Salt; TCA Ammonium Salt.

Toxaphene means the insecticidal chemical referred to as chlorinated camphene, having a chlorine content of 67 to 69 per cent and the empirical formula of $\text{C}_{10}\text{H}_{10}\text{Cl}_8$.

2,4-D means the herbicidal chemical 2,4-dichlorophenoxy-acetic acid. The salt or ester of the acid shall be stated, e.g., 2,4-D Sodium Salt; 2,4-D Triethanolamine Salt; 2,4-D Butyl Ester.

2,4,5-T means the herbicidal chemical 2,4,5-trichlorophenoxy-acetic acid. The salt or ester of the acid shall be stated, e.g., 2,4,5-T Sodium Salt, 2,4,5-T Triethanolamine Salt, 2,4,5-T Butyl Ester.

Copper Materials

Bordeaux Powder: is composed of copper sulphate ($\text{CuSO}_4 \cdot 5\text{H}_2\text{O}$) and lime (CaO) or ($\text{Ca}(\text{OH})_2$) and contains at least 12·5 per cent of equivalent copper (Cu) none of which is water soluble.

Burgundy Powder: is a mixture of copper sulphate ($\text{CuSO}_4 \cdot 5\text{H}_2\text{O}$) and sodium carbonate (Na_2CO_3) and contains at least 12·5 per cent of equivalent copper (Cu) and not more than 2 per cent of alkalinity expressed as (Na_2CO_3).

Pest Control Products Act—continued

Copper Carbonate: is essentially copper carbonate ($\text{Cu}_2(\text{OH})_2\text{CO}_3$) and contains at least 50 per cent of copper (Cu).

Copper Chloride (anhydrous): contains at least 95 per cent of copper chloride (CuCl_2) equivalent to 44.9 per cent of copper (Cu).

Copper Chloride (hydrous): contains at least 95 per cent of copper chloride ($\text{CuCl}_2 \cdot 2\text{H}_2\text{O}$) equivalent to 35.3 per cent of copper (Cu).

Cuprous Oxide (Cu_2O) contains at least 95 per cent of cuprous oxide equivalent to 80 per cent of copper (Cu).

Copper Oxychloride: contains at least 95 per cent of copper oxychloride ($\text{CuCl}_2 \cdot 2\text{CuO} \cdot \text{H}_2\text{O}$) equivalent to 19.3 per cent of copper (Cu).

Copper Sulphate: contains at least 98 per cent of copper sulphate ($\text{CuSO}_4 \cdot 5\text{H}_2\text{O}$) equivalent to 25 per cent of copper (Cu).

Copper Sulphate (Mono-hydrate): contains at least 95 per cent of monohydrate copper sulphate ($\text{CuSO}_4 \cdot \text{H}_2\text{O}$) equivalent to 34 per cent of copper (Cu).

Cyanamid Materials

Calcium Cyanide: contains at least 42 per cent of calcium cyanide ($\text{Ca}(\text{CN})_2 \cdot 6\text{H}_2\text{O}$) equivalent to 23 per cent of hydrocyanic acid (HCN).

Potassium Cyanide: contains at least 95 per cent of potassium cyanide (KCN) equivalent to 39.4 per cent hydrocyanic acid (HCN).

Sodium Cyanide: contains at least 95 per cent of sodium cyanide (NaCN) equivalent to 52.3 per cent hydrocyanic acid (HCN).

Dithiocarbamate Materials

Ferbam means the fungicidal chemical, ferric dimethyl dithiocarbamate, which has the empirical formula, $\text{FeC}_9\text{H}_{18}\text{N}_3\text{S}_6$.

Nabam means the fungicidal chemical, disodium ethylene bisdithiocarbamate, which has the empirical formula, $\text{Na}_2\text{C}_4\text{H}_6\text{N}_2\text{S}_4$.

Zineb means the fungicidal chemical, zinc ethylene bisdithiocarbamate, which has the empirical formula, $\text{ZnC}_4\text{H}_6\text{N}_2\text{S}_4$.

Ziram means the fungicidal chemical, zinc dimethyl dithiocarbamate, which has the empirical formula, $\text{ZnC}_6\text{H}_{12}\text{N}_2\text{S}_4$.

Fluorine Materials

Cryolite (natural or synthetic) means the insecticidal material, containing at least 85 per cent of sodium aluminum fluoride ($\text{AlF}_3 \cdot 3\text{NaF}$), otherwise known as sodium fluoaluminate (Na_3AlF_6).

Mercury Materials

PMA means the fungicidal and herbicidal chemical, phenyl mercuric acetate, having the empirical formula, $\text{C}_8\text{H}_8\text{Hg} \cdot \text{O}_2$ and having a mercury content of about 59 per cent.

Oils

Mineral oil is derived from petroleum and when emulsifiable should be named "emulsifiable oil" or "emulsible oil".

Mineral oil for dormant spray is a mineral oil safe and effective for spraying plants during the dormant period prior to bud burst. When emulsifiable it should be named "emulsifiable dormant oil" or "emulsible dormant oil".

Pest Control Products Act—continued

Mineral oil for foliage spray is a mineral oil safe and effective for spraying plants when in leaf. When emulsifiable it should be named “emulsifiable summer oil” or “emulsible summer oil”.

Phosphorus Materials

HETP means the insecticidal chemical hexaethyl tetraphosphate. It is a mixture of organic phosphate esters and contains TEPP (tetraethyl pyrophosphate) as its chief active ingredient.

Parathion means the insecticidal chemical o’o-diethyl o-p-nitrophenyl thiophosphate, having the empirical formula $C_{10}H_{14}NO_5PS$.

Technical Parathion contains not less than 95 per cent of parathion and not more than 5 per cent of related compounds.

TEPP means the insecticidal chemical tetraethyl pyrophosphate, having the empirical formula $C_8H_{20}O_7P_2$.

Sulphur Materials

Bentonite Sulphur means an admixture of bentonite and sulphur fused with heat and contains at least 30 per cent of sulphur (S), much of which is of colloidal fineness.

Lime Sulphur Solution contains at least 23 per cent of sulphide sulphur (S) and is free of sediment. Its specific gravity at 60° is not less than 1·28.

Lime Sulphur Dry contains at least 40 per cent of sulphide sulphur (S) and 60 per cent of total sulphur of which not less than 75 per cent is soluble in water.

Microfine Sulphur means finely ground sulphur and contains at least 90 per cent by weight of particles 10 microns or less in size.

Thiram means the fungicidal chemical, tetramethylthiuram disulfide, having the empirical formula $C_6H_{12}N_2S_4$.

Miscellaneous

Allethrin means the insecticidal chemical d1-2-allyl-4-4hydroxy-3-methyl-2-cyclopenten-1-one esterified with a mixture of cis and trans d1-chrysanthemum monocarboxylic acid, also referred to by the less exact phrase “allyl homologue of cinerin I”.

Antu means the rodenticidal chemical, alpha naphthyl thiourea ($C_{11}H_{10}N_2S$).

Calcium caseinate contains at least 25 per cent of commercially pure casein associated with lime, and not less than 13·5 per cent nitrogen (N).

Cube is obtained from the plant *Lonchocarpus utilis* A. C. Smith and contains at least 3 per cent of rotenone.

Derris or Tuba is the ground root of either *Derris elliptica* Benth., *Derris malaccensis* Prain or *Derris uliginosa* Benth., and contains at least 3 per cent of rotenone.

Dinitro ortho cresol (DNOC) means the insecticidal chemical having the empirical formula $C_7H_6O_5N_2$. The salt of this chemical should be stated, e.g., “sodium salt of dinitro-ortho-cresol”.

Hydrated Lime for Spraying Purposes is calcium and magnesium hydrates $Ca(OH)_2$ and $Mg(OH)_2$. The technical grade contains not more than 5 per cent of silica and other impurities, and has a fineness of not less than 90 per cent through a 200 mesh sieve and 99 per cent through a 100 mesh sieve.

Pest Control Products Act—continued

Nicotine is the product containing the nicotine alkaloid base obtained from the tobacco plant or synthetically. Its nicotine ($C_{10}H_{14}N_2$) content shall not be less than 40 per cent.

Nicotine Sulphate is obtained by the action of sulphuric acid on nicotine base and contains at least 40 per cent of equivalent nicotine ($C_{10}H_{14}N_2$).

Phenothiazine (orthiodiphenylamine) contains at least 95 per cent phenothiazine.

Pyrethrum is the ground flowers principally of the plant *Chrysanthemum cinerariaefolium* Vis, and contains at least a total of .5 per cent of pyrethrins.

Red Squill also known as *Scilla* is the dried and ground bulb of a variety of the plant *Urginea maritima* (L) Baker (*Urginea Scilla* Steinh.) having red bulbs.

Strychnine contains at least 99 per cent of strychnine ($C_{21}H_{22}N_2O_2$).

Strychnine Sulphate is obtained by the action of sulphuric acid on strychnine and contains at least 78 per cent of equivalent strychnine ($C_{21}H_{22}N_2O_2$).

Timbo is obtained from the root of *Lonchocarpus Urucu* Killip & Smith or of closely related species, and contains at least 3 per cent of rotenone.

Warfarin means the rodenticidal chemical 3-(alpha-acetonyl-benzyl)-4-hydroxycoumarin.

Schedule B

(see section 12)

Column 1	Column 2
Product containing	The Active substance, etc., to be guaranteed for the Product named in Column 1
Aldrin	Aldrin
Allethrin	Allethrin
Antimony	Antimony
Antu	Antu
Arsenic (of any chemical form) such as arsenates, arsenites, etc.....	Arsenic
Azobenzene	Azobenzene
Barium (of any chemical form).....	Barium
Benzene hexachloride	Gamma isomer of benzene hexachloride
Beta butoxy beta thiocyno diethyl ether	Beta butoxy beta thiocyno diethyl ether
	Nitrogen equivalent
Boracic Acid	Boron
Borax	Boron
Carbon disulphide	Carbon disulphide
Caseinates	Nitrogen equivalent
Carbon tetrachloride	Carbon tetrachloride
Chlordane	Technical chlordane
Copper (of any chemical form).....	Copper
Cube	Rotenone
Cyanides	Hydrocyanic acid
DDD (dichloro diphenyl dichloroethane).	DDD
DDT (dichloro diethyl trichloroethane)..	DDT
Derris	Rotenone

Pest Control Products Act—continued

Schedule B—continued

(see section 12)

Column 1 Product containing	Column 2 The Active substance, etc., to be guaranteed for the Product named in Column 1
Dinitro-ortho-cresol (DNOC)	Dinitro-ortho-cresol
Ethylene dibromide	Ethylene dibromide
Ethylene dichloride	Ethylene dichloride
Formaldehyde	Formaldehyde
Hellebore	Hellebore
Heptachlor (heptachloro-3a, 4, 7, 7a-tetrahydro-4, 7 methanoindene).....	Heptachlor
HETP Hexaethyl tetraphosphate)	Tetraethyl pyrophosphate
	Other related phosphates
Hexachlorobenzene	Hexachlorobenzene
Isobornyl thiocynoacetate (technical)...	Isobornyl thiocynoacetate
	Related active terpenes
	Nitrogen equivalent
Lime hydrated	Hydrated lime
Lime sulphur dry.....	Sulphide sulphur
	Total sulphur
Lime sulphur solution.....	Sulphide sulphur
	Specific gravity at 60° F.
Lindane	Gamma isomer of benzene hexachloride (from lindane)
Magnesium silico fluoride.....	Magnesium silico fluoride
Mercuric chloride (corrosive sublimate)..	Mercuric chloride
Mercurous chloride (calomel).....	Mercurous chloride
Metaldehyde	Metaldehyde
Methyl bromide	Methyl bromide
MCP (methylchloro phenoxyacetic acid).	MCP (methylchloro phenoxyacetic acid)
Methoxychlor (bis-(p-methoxyphenyl) 111 trichloroethane)	Methoxychlor
Mineral oils	Mineral oil
	Unsulphonatable
	S.U. viscosity in seconds at 100° F.
Mineral oils emulsifiable (emulsive).....	Mineral oil
	Unsulphonatable
	S.U. viscosity in seconds at 100° F.
	Name of emulsifying agent
	Date of manufacture
Naphthalene	Naphthalene
Nicotine (sulphate and alkaloid).....	Nicotine
Nitrothiazole (2 amino-5-nitrothiazole)...	2 amino-5-nitrothiazole
Nitrophenide (m,m dinitro-diphenyldisulfide)	Nitrophenide
Paradichlorbenzene	Paradichlorbenzene
Parathion	Parathion
Pentachlorophenol	Pentachlorophenol
Phenothiazine	Phenothiazine
PMA (phenylmercuric acetate).....	PMA (phenylmercuric acetate)
Phenyl mercury urea.....	Phenyl mercury urea
	Mercury equivalent
Potassium cyanate	Potassium cyanate
Pyrethrum	Pyrethins
Red squill	Red squill
Rotenone	Rotenone
Ryanodine (ryania speciosa).....	Ryania
Sodium aluminum fluoride (cryolite).....	Sodium aluminum fluoride
Sodium chlorate	Sodium chlorate

Pest Control Products Act—continued

Schedule B—concluded

(see section 12)

Column 1 Product containing	Column 2 The Active substance, etc., to be guaranteed for the Product named in Column 1
Sodium fluoride	Sodium fluoride
Sodium silicofluoride	Sodium silicofluoride
Strychnine	Strychnine
Sulphamethazine	Sulphamethazine
Sulphamethazine (sodium)	Sodium Sulphamethazine
Sulphaquinoxaline	Sulphaquinoxaline
Sulphur (of any kind).....	Sulphur
TEPP (tetraethyl pyrophosphate).....	TEPP (tetraethyl pyrophosphate)
	Other related phosphates
Thallium (of any chemical form).....	Thallium
Thiocyano ethyl esters of aliphatic acids containing 10-18 carbon atoms.....	Thiocyano ethyl esters of aliphatic acids containing 10-18 carbon atoms
	Nitrogen equivalent
THIRAM (tetramethyl thiuram-disulphide)	Thiram
Toxaphene (chlorinated camphene).....	Toxaphene
Trichloroacetate (T.C.A.).....	Trichloroacetate
2, 4-D (of any chemical form).....	2, 4-D acid equivalent
2, 4, 5-T (trichlorophenoxyacetic acid)...	2, 4, 5-T acid equivalent
Warfarin (3-(α -acetonylbenzyl)-4-hydroxycoumarin)	Warfarin
Zineb (zinc ethylene bisdithiocarbamate)	Zineb
Ziram (zinc dimethyl dithiocarbamate)...	Ziram
Ferbam (ferric dimethyl dithiocarbamate)	Ferbam
Nabam (disodium ethylene bisdithiocarbamate)	Nabam
Other products.....	As accepted for registration

Schedule C

(see section 13)

SUNDRY SPECIFICATIONS

1. Water Soluble Arsenic

The maximum content allowed in pest control products for use on foliage, calculated on a dry basis and as elemental arsenic (As), shall not exceed .5 per cent in arsenate of lead, 1 per cent in calcium arsenate, 1.25 per cent in paris green and .3 per cent in all other products containing arsenic.

2. Spray products for indoor use

- (i) Such products must have an effect on house flies (*Musca domestica*) not inferior to that of the Canadian Standard Insecticide when tested by the published method.
- (ii) The oil base, carrier or distributor of sprays for indoor use, shall be of a highly volatile and non-staining material and the finished product shall have a flash-point of not less than 125°F. (closed cup test).

Pest Control Products Act—continued

- (iii) The oil base, carrier or distributor of sprays for live stock, shall be such that the finished product shall have a viscosity between 40 and 55 seconds (S.U. at 100°F.), and an unsulphonatable content of at least 85 per cent.
- (iv) Livestock spray products shall be so formulated that when used according to the directions of the vendor they will not burn or blister the skin of animals, remove or cause loss of hair, mat or discolour hair, nauseate animals or interfere with the healing of cuts or wounds, or taint the milk of the animals sprayed.

3. Strychnine products

- (i) Treated grain or other bait for use solely without dilution, shall contain at least .2 per cent of strychnine.
- (ii) When for use diluted, such products shall contain at least 2 per cent of strychnine and the directions for use of the product shall not recommend a greater dilution than will result in less than .1 per cent of strychnine in the treated grain or other bait.

Schedule D**1. In this Schedule**

- (a) "Methods of Analysis" means The Official Methods of Analysis of the Association of Official Agricultural Chemists.
- (b) "Scott-Furman" means Standard Methods of Chemical Analysis, by Dr. W. W. Scott, 5th Edition, edited by Dr. N. H. Furman.
- (c) "A.S.T.M" means Methods of the American Society for Testing Materials
- (d) "Leach" means Food Inspection and Analysis, by A. E. Leach.
- (e) "Kolthoff and Furman" means Volumetric Analysis by Drs. I. M. Kolthoff and N. H. Furman.
- (f) "Rosin" means Reagent Chemicals and Standards, by Joseph Rosin, Merck and Company.
- (g) "J.A.O.A.C." means the Journal of the Association of Official Agricultural Chemists.

- 2. (1) References to the Methods of Analysis made hereunder refer to paragraphs of the 7th Edition, 1950, Methods of Analysis.
- (2) In editions subsequent to the 7th Edition, 1950, Methods of Analysis, any person shall refer to the appropriate paragraphs of such editions.

3. Methods of Chemical Analysis:**Aldehyde:**

- (1) *Formaldehyde* . For concentrated solutions of formalin use Methods of Analysis 5.115. For dilute solutions, used as deodorants, containing essential oils proceed as follows: Weigh accurately 0.5-0.75 g. of sample into glass stoppered 250 ml. Erlenmeyer flask, add 15 ml. of 2 per cent NH_4Cl solution followed by an excess of standard alkali. Stopper flask and let stand for an hour. Titrate with standard acid using bromthymol blue indicator. 1 ml. of N alkali = 44.99 mg. of formaldehyde.

Pest Control Products Act. (R.S.C., 1952, c. 209)—continued

(2) *Metaldehyde* ... J.A.O.A.C., Vol. 24, p. 490 (1941).

Aluminum Determine as the oxide, Scott-Furman.

Ammonium Sulphamate $\text{NH}_4\text{SO}_3\text{NH}_2$. Weigh 25.0 g. of well mixed sample into 1000 ml. standard flask, dissolve in N_2O , shake and make to volume. All aliquots should be measured at once, since a flocculent precipitate settles out in time. Proceed as follows:

- (1) Pipette 20/ml. (0.5 g. of sample) into 400 ml. beaker, oxidize with 20 ml. HNO_3 and 5 ml. HCl (or other suitable oxidizing agent), evaporate to dryness, take up in acidified H_2O and determine sulphate by standard method, Scott-Furman.
- (2) Pipette 100 ml. (2.5 g. of sample) into 400 ml. beaker, acidify and determine sulphate, Scott-Furman. BaSO_4 (found in 1)— BaSO_4 (found in 2) $\times 0.4889 =$ g $\text{NH}_4\text{SO}_3\text{NH}_2$.
- (3) Determine total nitrogen on suitable aliquot by Nitrogen (1).
- (4) Determine ammoniacal nitrogen on suitable aliquot by Methods of Analysis 2.27.

Nitrogen from ammonium sulphamate = Total nitrogen—ammoniacal nitrogen. Calculate to ammonium sulphamate on basis of 24.55% nitrogen.

Antimony Mohr's Methods, Scott-Furman.

Antu Methods of Analysis 5.127.

Arsenicals (1) Total As. Methods of Analysis 5.3 or 5.6.

- (2) Total As. in presence of Sulphur or sulphides, Methods of Analysis 5.8.
- (3) Water soluble As. Methods of Analysis 5.10.
- (4) Arsenic in residues or other low amounts, Methods of Analysis 6.31.
- (5) Arsenic in presence of organic matter. Weigh sample (not over 10 g.) directly into distilling flask. Add 15 ml. HNO_3 and 10 ml. H_2SO_4 . When first reaction has subsided, add solid KMnO_4 cautiously a little at a time. Heat under hood until all SO_3 is removed; determine As. by Methods of Analysis 5.3 or 5.6.

Azobenzene This material when practically pure may be determined from its nitrogen content and its melting point.

Pest Control Products Act—continued

Azobenzene—concluded . Weigh 0.2-0.3 g. of the crystals into an 800 ml. Kjeldahl flask and dissolve in 15-20 ml. of ethanol. Add 20 ml. of freshly prepared saturated solution of sodium hydrosulphite ($\text{Na}_2\text{S}_3\text{O}_4$) and reflux for 30 min. on water bath in fume hood, then cool. Determine nitrogen by Nitrogen (1) and calculate to azobenzene on the basis that this compound contains 15.39% nitrogen.

Samples of azobenzene containing extraneous material should be corrected for other nitrogen present. Determine total nitrogen on one sample; wash another sample with H_2O then with ethanol and determine the nitrogen in the residue.

Barium Prepare a uniform sample and use method of Scott-Furman.

B.H.C. (1) Methods of Analysis 5.149.
(2) In mixture with D.D.T. use method given in Advances in Chemistry Series, American Chemical Society, Vol. 1, p. 266.

Bordeaux Mixture Methods of Analysis 5.62, 5.70.

Boron (1) Sample consisting mainly of borax, may be determined directly. Methods of Analysis 2.45 also Scott-Furman.
(2) Borax with boracic acid. Boracic acid is soluble in ethanol (5.56 g./100). Weigh suitable sample, depending upon relative amounts of each present, into 250 ml. beaker, add 50 ml. ethanol and collect the borax on filter. Wash thoroughly with ethanol. Titrate the boracic acid with standard alkali using mannitol or glycerine. Dissolve borax in H_2O and titrate with standard acid.
(3) Boron may be separated from interfering substances by distillation as methyl borate. Methods of Analysis 2.48; Scott-Furman; and Leach.
(4) Boracic Acid—Scott-Furman.

Calcium Use standard method Scott-Furman.

Casein Analyse for nitrogen by Nitrogen (1). Calculate to casein by factor 7.7.

Copper (1) Methods of Analysis 5.13, 5.14.
(2) Copper may be separated from arsenic by Methods of Analysis 5.13 or by the aluminum blade method, Scott-Furman.

Pest Control Products Act—continued

- Copper*—concluded (3) *Copper with Lye*—
Neutralize an aliquot of weighed sample with HNO_3 , evaporate, ash for one hour at $375^\circ\text{--}425^\circ\text{C}$. Dissolve in HNO_3 and determine copper as (1) above.
- Chlorine* (1) Volhard Method of Scott-Furman.
(2) Stepanow Method (Isopropyl alcohol and sodium) Methods of Analysis 5·146.
- Chlorates* Gravimetric or volumetric method Scott-Furman.
- Chlordane* (Technical) . Determine chlorine by chlorine (2) and calculate to technical chlordane on basis of 64·0% chlorine (not specific).
- Cryolite* Methods of Analysis 5·21.
- Cyanate* J.A.O.A.C., Vol. 35, 63, 1952.
- Cyanide* NaCN or KCN , Methods of Analysis 5·86.
ca $(\text{CN})_2$ Methods of Analysis 5·91.
- D.D.D.* Refer to T.D.E.
- D.D.T.* Methods of Analysis 5·146—(not specific).
- Dinitro-O-Cresol* Solid materials containing this compound with an inert diluent, may be dissolved in ethanol and the D.N.O.C. determined either volumetrically or gravimetrically, Annals of Applied Biology 1942, Vol. 29, p. 301.
N.B.—In the case of liquid preparations containing D.N.O.C., the compound must be extracted first.
- Dinitro-O-Cyclohexyl*
Phenol Use method for D.N.O.C., and make appropriate calculation.
- Dithanes* Refer to Dithiocarbamic Acid.
- Dithiocarbamic acid*
(and derivatives) . . J.A.O.A.C., 33, 788, 1950.
- Ferbam* (Ferric dimethyl dithiocarbamate). Refer to Dithiocarbamic acid.
- Flash Point* A.S.T.M. Serial D-56-36 using Closed Cup Tag Flash Point Tester.
- Fluorine* (1) NaF Methods of Analysis 5·19.
(2) Na_2SiF_6 Methods of Analysis 5·23.
Mixtures of these compounds may be determined by a combination of these methods. The fluorine in other compounds may be evaluated by Methods of Analysis 5·21 or by a combination of methods given in Methods of Analysis.
(3) ZnSiF_6 method in Treadwell and Tall, Vol. 2, p. 498.

Pest Control Products Act—continued

- Formaldehyde* Refer to Aldehyde.
- Hexachlorobenzene* In presence of inert carrier, dissolve weighed sample in benzene, filter, dry residue and weigh. Loss in weight is hexachlorobenzene.
- Iron* Scott-Furman.
- Lead* Methods of Analysis 5·40.
- Lethanes* Refer to Organic thiocyanates.
- Lime* (hydrated spray) . Determine insoluble matter, calcium and magnesium, Scott-Furman.
- Lindane* Determine total chlorine by chlorine (2). Calculate to Lindane on basis of 73·15% chlorine. Determine gamma isomer by Methods of Analysis 5·149. See BHC Method (2) for mixtures.
- Magnesium* Scott-Furman.
- Manganese* Oxidize sample with H_2SO_4 and HNO_3 and determine by method Scott-Furman.
- Mercury* (1) Organic compounds of mercury, except as indicated in clause 5, analyse by Methods of Analysis 5·130 or 5·132.
 (2) HgCl Rosin, p. 261.
 (3) HgCl_2 Rosin, p. 254.
 (4) Mixtures of HgCl and HgCl_2 shall be separated by the insolubility of the HgCl in H_2O , then determined.
 (5) Phenyl mercuric acetate, phenyl mercuritriethanol, ammonium lactate and methyl mercuric dicyandiamide.
 Kolthoff and Furman Vol. 2, p. 263 Electrometric titration may be used to advantage.
- Metaldehyde* Refer to Aldehyde.
- Methoxychlor* Analyse for chlorine by Chlorine (2) and calculate to methoxychlor on basis of 30·77% chlorine (Not specific).
- Methyl mercuric dicyandiamide* Analyse by Mercury (3).
- Nabam* (Disodium ethylene bisdithiocarbamate).
 Refer to Dithiocarbamic acid.
- Nickel* Scott-Furman
- Nicotine* Methods of Analysis 5·104.
- Nitrogen* (1) Methods of Analysis 2·23.
 (2) As above adding, as an additional catalyst, 3 drops of selenium oxychloride.

Pest Control Products Act—continued

- Organic thiocyanates* ... Determine nitrogen by Nitrogen (2) and calculate to the appropriate compound.
- Panogen* (Methyl mercuric dicyandiamide). Refer to Mercury (5).
- Paris Green* Methods of Analysis 5·25.
- Parathion* Method of O'Keefe Averill, Analytical Chemistry 23, 1167, 1951. Electrometric titration may be used to advantage. (Jour. Amer. Pharm. Ass'n. 39, 521—1950).
- Phenothiazine* Chloroplatinic Acid method J.A.O.A.C. 28, 429, 1945.
- Phenyl mercuric acetate* Analyse for mercury, by Mercury (5).
- Phenyl mercuritriethanol ammonium lactate* . Analyse for mercury, by Mercury (5).
- Phosphorous* Weigh about 10 g. accurately in weighing bottle, place in 250 ml. beaker, add 50 ml. HNO_3 , let the reaction proceed without stirring or shaking for about 15 minutes. Heat gently, then strongly until the disappearance of red fumes, cool, add 5 ml. HNO_3 and 25 ml. HClO_4 . Boil gently until the dense white fumes have disappeared, then strongly cool, complete to volume in 200 ml. flask, take 20 ml. aliquot and proceed according to Methods of Analysis 2·8.
- Potassium Cyanate* Analyse for cyanate, by Cyanate.
- Pyrethrum* Methods of Analysis 5·110.
- Rotenone* In presence of non-interfering diluents. Methods of Analysis 5·106.
- Sodium Chlorate* Analyse for chlorate, by Chlorate.
- Soap* Methods of Analysis 5·95.
- Strychnine* (1) In rodent poisons.
Weigh a uniform sample containing about 0·15-0·2 g. of strychnine into a 250 ml. separatory funnel. Add 10-20 ml. H_2O and 1 ml. NH_4OH (1-2). Proceed as directed under Methods of Analysis 32·61. Extraction may be carried out in a continuous extractor designed for solvents heavier than H_2O , instead of in separatory funnels.
- (2) Poisoned grain.
Grind 10 g. of sample in a mortar, transfer to a paper thimble, wet with NH_4OH , let stand for a few minutes then extract overnight with CHCl_3 in a Soxhlet extractor. Evaporate CHCl_3 in beaker, add about 25 ml. petroleum ether, then 20-25 ml. 0·2 NH_2SO_4 and warm slightly. Let stand about 1 hour at room

Pest Control Products Act—continued*Strychnine*—concluded

temperature, place in 500 ml. separatory funnel, rinsing beaker with portions of petroleum ether and dilute acid. Drain acid into second separatory funnel without shaking. Extract the petroleum ether layer twice with 20 ml. of the dilute acid, combining these with previous wash. Neutralize the combined acid washes with NH_4OH (1-2) and extract with 25, 20, 15, 10 and 5 ml. portions of CHCl_3 . Proceed with washing and complete determination as indicated in Methods of Analysis. Only about 95 per cent of the strychnine can be recovered.

Sulphur (1) In Lime sulphur solutions. Methods of Analysis 5·119. This may be used also for dry lime sulphur, soluble sulphur and sodium sulphide solutions.

(2) Elemental sulphur. Extract with CS_2 in a suitable apparatus and weigh. Since samples often contain substances other than sulphur which are soluble in CS_2 , it is generally more satisfactory to oxidize the sample and determine the S as Barium Sulphate. As elemental sulphur may occur with the sulphate, some ingenuity on the part of the analyst is necessary to adapt a method or combination of methods which will give satisfactory results. Scott-Furman.

Sulfaquinoxaline O'Keefe Averill Method. Refer to Parathion and make appropriate calculation.

Specific Gravity Determine with a hydrometer or pycnometer according to the nature of the sample and express in proper terms.

T.D.E. Determine chlorine by Chlorine (2) and calculate to T.D.E. on the basis of 44·31% chlorine (Not specific).

2,4-D (1) Methods of Analysis 5·129. Analytical chemistry 19, 475, 1945.

(2) *Dow Method* for Ester formulations.

(3) Samples forming emulsions are extracted in a standard liquid extractor before applying the analytical procedure. Calculate acid equivalent.

2,4,5-T Analyse as given for 2,4-D and calculate acid equivalent.

Tetrachlorethylene Its purity may be estimated from a measurement of the refractive index. Determine chemically by Methods of Analysis 32·217.

Pest Control Products Act—concluded

<i>Thallium</i>	Analyse for Thallium by Chromate Method, Scott-Furman.
<i>Thanite</i>	Refer to Organic thiocyanates.
<i>Thiram</i>	(tetramethyl thiuram disulphide). Refer to Dithiocarbamic Acid.
<i>Toxaphene</i>	Analyse for chlorine by Chlorine (2) and calculate to toxaphene on basis of 67·04% chlorine. (Not specific).
<i>Viscosity</i>	Determine Kinematic viscosity with an Ostwald type Cannon Fenske pipette. A.S.T.M. Method D 445-42 T.
<i>Zinc</i>	Methods of Analysis 5·15.
<i>Zineb</i>	(Zinc ethylene bisdithiocarbamate). Refer to Dithiocarbamic Acid.
<i>Ziram</i>	(Zinc dimethyl dithiocarbamate). Refer to Dithiocarbamic Acid.
<i>Unsulphonated Residue</i>	A.S.T.M. Method D 483-40.
<i>Warfarin</i>	Sample is extracted and warfarin determined by ultra violet spectroscopy.

Information regarding any method described above may be obtained from the Chemical Laboratory, Plant Products Division, Department of Agriculture, Ottawa.

POST OFFICE ACT. (R.S.C., 1952, c. 212)

	Page
1. <i>Postal regulations</i>	2558
2. <i>Passbook evidence of deposit</i>	2558
3. <i>Canadian Postal Corps to perform postal duties</i>	2558
4. <i>R.C.M.P. to perform postal duties</i>	2558
5. <i>Postal rate on Official Gazettes</i>	2559
6. <i>Postage rate on educational publications</i>	2559
7. <i>Regulations governing postal employees</i>	2560
8. <i>Post Office Savings Bank Regulations</i>	2561
9. <i>Surcharge on returned letters</i>	2570
10. <i>Surcharge on business reply cards and envelopes</i>	2570
11. <i>Limits of postal areas</i>	2570
12. <i>Reproduction of postage stamps</i>	2570
13. <i>Procedure re unpaid letters</i>	2571
14. <i>Receptacles for the delivery of mail</i>	2571
15. <i>Mail boxes in apartment houses</i>	2572
16. <i>Letter chutes and receiving boxes in buildings</i>	2574

Post Office Act—continued**1. Postal Regulations**

The regulations made by the Postmaster General for the efficient operation of the Canada Post Office and for carrying the purposes and provisions of the Post Office Act into effect, and the postage and fees charged for the services rendered by the Post Office are contained in the Canada Official Postal Guide and its monthly supplements printed by the Queen's Printer for Canada.

2. Eighteen days specified as period during which passbook entry is evidence of amount deposited

P.C. 1953-1029

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 2nd day of July, 1953.

PRESENT:

HIS EXCELLENCY THE ADMINISTRATOR IN COUNCIL

His Excellency the Administrator in Council, on the recommendation of the Postmaster General and pursuant to subsection four of section forty-seven of the Post Office Act, is pleased, hereby, to specify a period of eighteen days as the period during which the entry made in the passbook of a depositor in the Post Office Savings Bank is conclusive evidence of the depositor's claim to the amount deposited.

3. Canadian Postal Corps to perform postal duties for the Canadian Forces

Pursuant to section five of the Post Office Act, notice is hereby given that, effective as of November 4, 1950, all officers, non-commissioned officers and men of the Canadian Postal Corps serving within or without Canada with the Canadian Forces are hereby authorized to receive and despatch mail and perform all such other postal duties as may be required of them by the needs of the Postal Service for the Armed Forces of Canada; and the responsibilities of such officers, non-commissioned officers and men, within the limits of postal services rendered to the Canadian Forces wherever located, shall be to all intents and purposes the responsibilities and duties of an employee of the Canada Post Office.

G. EDOUARD RINFRET,
Postmaster General.

Ottawa, 29th October, 1951.

4. R.C.M.P. authorized to perform postal duties in certain areas in the Northwest Territories

Pursuant to paragraph (b) of subsection one of section five and to paragraph (n) of section six of the Post Office Act, notice is hereby given that, effective October 1, 1950, members of the Royal Canadian Mounted Police detachments serving at Baker Lake, Chesterfield Inlet, Craig Har-

Post Office Act—continued

bour, Dundas Harbour, Lake Harbour, Pangnirtung and Pond Inlet, Northwest Territories and Port Harrison, Province of Quebec, are authorized to receive and despatch mail and perform all other postal duties as may be required by the needs of the Canada Post Office; and their oaths of allegiance, secrecy and office taken as members of the Royal Canadian Mounted Police and their responsibilities and duties shall be to all intents and purposes those of an employee of the Canada Post Office.

ALCIDE CÔTÉ
Postmaster General.

Ottawa, 15th March, 1952.

5. Rate of postage on Official Gazettes

The Postmaster General, pursuant to the powers conferred by paragraph (d) of section six of the Post Office Act, does hereby order that, effective immediately, the rate of postage on copies of the Official Gazettes of the Provinces of Canada, posted by the publisher at the place of publication for delivery in Canada shall be four cents per pound, or fraction of a pound; provided, however, that the rate of postage on such publications mailed at places where there is letter carrier delivery service and addressed for local delivery, shall be one cent for the first two ounces, one cent for the next two ounces, and one cent for each additional four ounces, or fraction thereof, to each separate address.

ALCIDE CÔTÉ
Postmaster General.

Ottawa, 11th February, 1953.

6. Rate of postage on educational publications

The Postmaster General, pursuant to the powers conferred by paragraph (d) of section six of the Post Office Act, does hereby order that, effective immediately, the rate of postage on copies of Canadian publications approved by competent educational authorities for use in school classroom instruction and published at least quarterly, posted by the publisher in Canada at the place of publication, for delivery in Canada shall be four cents per pound, or fraction of a pound; provided, however, that the rate of postage on such publications when mailed at places where there is letter carrier delivery service and addressed for local delivery, shall be one cent for the first two ounces, one cent for the next two ounces, and one cent for each additional four ounces, or fraction thereof, to each separate address.

ALCIDE CÔTÉ
Postmaster General.

Ottawa, 11th February, 1953.

Post Office Act—continued**7. Regulations Governing Postal Employees and Mail Contractors in respect of Public Money and Property**

Pursuant to section six of the Post Office Act, the Postmaster General makes the following regulations:

1. Every postal employee or mail contractor shall properly safeguard all public money and property entrusted to him or received by him in the exercise of his official duties.

2. Every postal employee shall segregate all public money and property entrusted to him or received by him in the exercise of his official duties and shall keep them in a proper locked receptacle.

3. Every postmaster who is required by the Postmaster General to deposit in a bank all public money in excess of such amount as the Postmaster General has authorized him to retain shall, as frequently as banking days and mail services permit, deposit such money to the credit of the Receiver General of Canada on Post Office Account in the chartered bank authorized by the Postmaster General for the purpose.

4. Immediately on the demand of an authorized officer of the Post Office Department, every postal employee or mail contractor shall produce, for examination and audit purposes, all public money and property entrusted to him or received by him in the exercise of his official duties and shall transfer, disburse or deposit any or all of such money and property in accordance with the requirements of the Canada Post Office.

5. Every postal employee or mail contractor who retains more public money or property than he is authorized to retain, is, in the event of loss, personally responsible for the amount retained contrary to authority.

6. No postal employee or mail contractor shall sell postage, postage stamps, postage supplies or Unemployment Insurance stamps, issue postal remittances or transact other public business on credit or charge more or less than the amount authorized.

7. Every postal employee who pays out money on presentation of a postal remittance, cheque or Post Office Savings Bank withdrawal form without requiring identification may be required to reimburse the Canada Post Office the amount paid out if it is found that the person to whom the money was paid was not the rightful payee.

8. Every postal employee who accepts a cheque or other negotiable instrument which is found to be of less than face value may be required to reimburse the Canada Post Office the amount of the loss involved.

9. Every postmaster who receives money on the delivery of an article of mail under the cash on delivery system shall prepare the remittance promptly and despatch it by the first outgoing mail.

10. Every postal employee who receives money on the delivery of an article of mail under the cash on delivery system, shall transfer the money without delay to the employee designated to receive it.

Post Office Act—continued

11. Every mail contractor who receives money on the delivery of an article of mail under the cash on delivery system or receives money for the purchase of a postal remittance shall transfer the money received to the postmaster or a designated employee of the distributing office on his return thereto.

12. Every postal employee who prepares, certifies or signs any record, statement, requisition, account, return or other similar instrument shall do so truly and correctly, and shall not, whether by the omission or inclusion of an entry, make a statement or representation that he knows or ought to know is false, incorrect or misleading.

13. Postmasters and mail contractors are personally responsible for all losses, damage or irregularities incurred through negligence, errors or dishonesty on the part of any person or persons employed by them to assist with the work of the Canada Post Office.

ALCIDE CÔTÉ

Postmaster General.

Ottawa, 26th March, 1953.

8. Post Office Act—Post Office Savings Bank Regulations

The Postmaster General, pursuant to the provisions of the Post Office Act, hereby revokes the regulations for the conduct of Post Office Savings Banks made pursuant to the Savings Bank Act on June 17, 1937, and hereby makes the following "Post Office Savings Bank Regulations", effective as of the date hereof, in substitution for the regulations hereby revoked.

ALCIDE CÔTÉ

Postmaster General.

Ottawa, 20th January, 1954.

THE POST OFFICE SAVINGS BANK REGULATIONS

Short Title

1. These regulations may be cited as the *Post Office Savings Bank Regulations*.

Interpretation

2. In these regulations,

- (a) "account" means the accounting record kept at Head Office of all Bank transactions by a depositor with the Bank and of the interest earned by his deposits;
- (b) "acknowledgment of deposit" means the document transmitted to a depositor by the Postmaster General to confirm a deposit made with a postmaster or a postal employee to be accounted for to the Bank;
- (c) "Act" means the Post Office Act;
- (d) "Bank" means the Post Office Savings Bank;
- (e) "Bank Office" means a post office, a postal station, a postal agency, a sub-post office or any other place authorized by the Director to transact Bank business;

Post Office Act—continued

- (f) “deposit” means a deposit of money by a depositor in the Bank that is confirmed
 - (i) by an entry in the depositor’s pass-book constituting conclusive evidence only for the period specified by the Governor in Council; or
 - (ii) by an acknowledgment of deposit transmitted to the depositor by the Postmaster General;
- (g) “depositor” means a person or persons whose application to make deposits in the Bank has been approved by a postmaster or a postal employee under the authority of the Director and who has or have actually made a deposit in the Bank;
- (h) “Director” means the Director of Financial Services, Post Office Department, Ottawa 4, Ontario;
- (i) “Head Office” means the Central Office of the Bank at Ottawa in the Financial Branch of the Post Office Department;
- (j) “pass-book” means the book issued to a depositor and in which a depositor’s deposit, withdrawals and interest are recorded;
- (k) “withdrawal” means a withdrawal of money from the Bank made by a depositor
 - (i) in cash, when the withdrawal is made at a Bank Office, or
 - (ii) by Government of Canada cheque issued upon the application to the Director by the depositor when the withdrawal is made at the Head Office;

and other terms and expressions in these regulations have the meaning ascribed to them in the Act.

Establishment, Operation and Administration

3. There is hereby established a system to be known as the Post Office Savings Bank, with Head Office at Ottawa in the Financial Branch of the Post Office Department, the activities, transactions and operations of which shall be under the administration, direction and control of the Director.

Powers and Business of the Bank

4. The Bank may, under the direction and with the approval of the Director, transact the following business:

- (a) designate Bank Offices;
- (b) approve or refuse applications to make deposits;
- (c) receive deposits;
- (d) allow interest on deposits;
- (e) allow withdrawals upon demand from rightful owners or persons legally authorized to claim on their account; and
- (f) carry out any operation incidental to the above-mentioned transactions.

Depositors

5. The Bank may, in the form and manner prescribed by the Director and without the authority, aid, assistance or intervention of any other person or official being required, receive deposits made by or for the benefit of any person whomsoever, whatever his age, status or condition in life, and whether such person is qualified by law to enter into ordinary contracts or not.

Post Office Act—continued*Transaction of Business*

6. Bank business may be transacted

(a) at any Bank Office;

(b) at the Head Office, or

(c) by mail addressed to

(i) a postmaster authorized to transact Bank business; or to

(ii) the Director.

Deposits and Withdrawals

7. A depositor in any Bank Office may make deposits at any other Bank Office and may make withdrawals at the Bank Office most convenient to him.

Limit of Deposits

8. Any person may deposit in the Bank any sum of one dollar or more, but the total amount standing in his name in the books of the Bank may not at any time exceed \$10,000, exclusive of interest.

Daily Reports of Deposits and Withdrawals

9. Postmasters and other postal employees who transact Bank business shall report each deposit and withdrawal, upon the day of the transaction, to the Postmaster General in the form and manner prescribed by the Director.

Hours of Business

10. The hours of business of the Bank shall be the hours of business of the Canada Post Office and such exceptional hours as may be prescribed by the Director.

Depositors' Accounts

11. Depositors' transactions shall be posted as soon as possible to their respective accounts which shall be kept at the Head Office.

Classes of Deposits

12. (1) The following classes of deposits may be made at the request of depositors as provided hereunder:

(a) At Bank Offices or at the Head Office:

(i) "Individual Personal Deposits" in the respective names of individual depositors;

(ii) "Trust Deposits" in the name of one or more persons in trust for some unspecified person or persons;

(iii) "Joint Deposits—All to Withdraw" under which two or more persons may make deposits in their joint names subject to the following provisions:

(A) every application to withdraw the deposit or part thereof shall be made jointly by all the persons in whose names the deposit stands; and

(B) at the death of any of the persons in whose name the deposit stands, control of the deposit shall pass to the survivor or survivors without any legal formality or

Post Office Act—continued

expense other than the production of a certificate of death of the deceased joint depositor with the pass-book, and identification satisfactory to the Director of the survivor or survivors;

- (iv) "Joint Deposits—Any to Withdraw" under which two or more persons may make deposits jointly subject to the following provisions:

(A) any of the joint depositors may make withdrawals independently of the others; and

(B) at the death of any of the persons in whose names the deposit stands, control of the deposit shall pass to the survivor or survivors without any legal formality or expense other than the production of a certificate of death of the deceased joint depositor with the pass-book, and identification satisfactory to the Director of the survivor or survivors,

- (b) At the Head Office in so far as the first deposit is concerned, and at any Bank Office or at the Head Office thereafter:

Incorporated or Unincorporated Societies' Deposits for the individual or collective deposits of organizations such as clubs, funds, schools, churches, savings and credit unions, cemeteries, estates, penny banks, provident or charitable institutions, in the form and manner and upon such terms and subject to such conditions as may be prescribed by the Director.

(2) Changes in the name of any account shall be effected only at the Head Office at the request of the depositor or depositors accompanied by his or their pass-book.

(3) Every application to make a deposit or a withdrawal in a manner or form not provided for by these regulations shall be referred by the interested parties to the Director who may prescribe the form and manner in which such deposit or withdrawal shall be made.

Records to be Kept at Bank Offices

13. Postmasters and other postal employees at Bank Offices and at the Head Office shall keep only such records of Bank transactions as may be prescribed by the Director.

Transfer of deposits from one person to another

14. A depositor, who wishes to transfer his deposits or any portion of them to another person, shall make application therefor to the Director, and shall forward to him his pass-book together with the pass-book of that other person, if that person is already a depositor.

Identification of Depositors

15. (1) When making a first deposit a depositor shall

- (a) furnish a specimen of his signature consisting of his ordinary Christian or given name, the initial or initials of other given names, if any, and his surname or family name;

Post Office Act—continued

(b) state his address, occupation, and, in the case of a female depositor, her civil status, and sign an undertaking to comply with the regulations of the Bank.

(2) Incorporated or unincorporated societies shall furnish, when making a first deposit, such information respecting their constitution, by-laws and financial rules as may be required from time to time by the Director, and a specimen of the signature of each of the authorized signing officers.

(3) In all cases where the signature of a depositor is required, if the depositor cannot write, his mark shall be affixed in the presence of a reputable witness and attested by the signature of that witness.

(4) The provisions of subsection (1) do not apply to deposits made by or under the authority of any statute or statutory regulations where by such statute or statutory regulations the giving of the information or signature referred to in paragraphs (a) and (b) of subsection (1) or in subsection (2) is not required, or to cases where the Director directs that the giving of the information or signature referred to in paragraphs (a) and (b) of subsection (1) or in subsection (2) is not necessary.

Change in Name of Depositor

16. When any change occurs in a depositor's name he shall notify the change to the Director and submit such evidence of change of name as the Director may require.

Pass-books

17. (1) Every pass-book shall be the property of the Postmaster General and shall be delivered up as and when required by the Director.

(2) Every depositor shall send his pass-book to the Director for audit, insertion of interest, and reconciliation with his account,

(a) once in each year on the anniversary of the day of the first entry therein provided that, if that anniversary falls on any day in March, it shall be referred to the same day in the following April; or

(b) when requested to do so by the Director.

(3) Subject to subsection (1), depositors shall at all times retain their pass-books in their personal custody and safeguard them against misuse by any one.

(4) In the case of loss of a pass-book the depositor shall

(a) notify the Director at once stating at what Bank Office and at about what date the first and the last deposits and the last withdrawal were made giving as much information as possible about the account and the circumstances of the loss; and

(b) sign, before being given a new pass-book, an undertaking to return to the Director the lost pass-book if it should be recovered, and to indemnify the Post Office Department against any misuse of the lost pass-book.

(5) Pass-books issued to depositors shall not be left at Bank Offices and no postmaster or other postal employee shall, under any circumstances, keep a pass-book in his custody.

Post Office Act—continued*Pass-book tampered with*

18. Where there are reasonable grounds to suspect that a withdrawal applicant is not the rightful owner of the pass-book presented, or that the pass-book presented for a withdrawal or deposit has been tampered with, the postmaster or postal employee to whom it is presented may refuse the deposit or withdrawal, and retain the pass-book which shall be sent to the Director for examination.

Withdrawals

19. (1) Withdrawals may be allowed only on presentation of pass-book or of such other evidence of depositor's claim as may be acceptable by the Director.

(2) Withdrawals shall not be allowed at Bank Offices on presentation of pass-books bearing the special condition that withdrawals may be made only at Head Office.

(3) Withdrawals shall be paid at Bank Offices only to the depositor, to the joint depositors or, where it is so provided by the condition of the joint account, to one of the joint depositors.

(4) Withdrawals may be made in even dollars to a maximum of \$100 in any one postal business day, upon cash demand by depositors in person at Bank Offices; provided that

- (a) the withdrawal applicant satisfies the postmaster or other postal employee to whom the application is made that he is the rightful owner of the pass-book that he presents;
- (b) the postmaster or postal employee has sufficient cash on hand to meet the withdrawal;
- (c) a balance of at least one dollar remains recorded in the depositor's pass-book which may be closed only at the Head Office; and
- (d) not more than one cash withdrawal is made from a pass-book in any one day.

(5) Withdrawals may be made in any amount at the Head Office upon signed cheque demand on the Director, mailed or presented to him with the pass-book in Ottawa; provided that

- (a) not less than \$1.00 is withdrawn, unless the depositor withdraws all the money, both principal and interest, due him; and
- (b) the withdrawal applicant satisfies the Director that he is the rightful owner of the pass-book presented.

(6) Withdrawals at Bank Offices and at the Head Office shall be made in the form and manner prescribed by the Director.

(7) A postmaster or other postal employee who pays to a depositor any sum that is due to him in the Bank shall immediately enter the amount thereof in the depositor's pass-book and shall attest and date stamp the entry unless, in any case, an exception is made by the Director.

Withdrawals of "Individual Personal Deposits" and of "Trust Deposits" of Deceased Depositors

20. (1) The wife or husband of a deceased depositor whose deposit did not exceed \$50 at the date of the depositor's death may withdraw the deposit upon the production to the Director of

Post Office Act—continued

- (a) a signed request for the deposit;
- (b) the deceased depositor's pass-book or a declaration of its loss and an undertaking to surrender it, if and when the same is recovered, and to indemnify the Bank against any misuse of the pass-book;
- (c) proof satisfactory to the Director of
 - (i) the depositor's death; and of
 - (ii) marital relationship.

(2) Any person other than the persons specified in subsection (3) may withdraw a deposit of a deceased depositor if such deposit did not exceed \$500 at the date of the depositor's death, upon the production to the Director of

- (a) a signed request for the deposit;
- (b) the deceased depositor's pass-book or a declaration of its loss and an undertaking to surrender it, if and when the same is recovered, and to indemnify the Bank against any misuse of the pass-book;
- (c) proof satisfactory to the Director of
 - (i) the depositor's death; and of
 - (ii) the claimant's legal authority to claim the deposit;
- (d) an authenticated or notarial copy of the last will of the deceased depositor, if any;
- (e) a written statement setting forth that it is not proposed to apply for Letters of Probate of the deceased depositor's last will, or for Letters of Administration of his estate, or for an Act of Curatorship or Tutorship, as the case may be;
- (f) a statutory declaration and indemnity agreement executed in the form and manner prescribed by the Director with releases of all claims in respect of the deposit signed by all other beneficiaries named in the last will or by all other persons entitled to share in the estate on intestacy where there is no will; and of
- (g) a bond of indemnity with two sureties for twice the amount of the deposit and accrued interest thereon where the Director considers it advisable that such further safeguard be provided.

(3) The wife, husband, child, father, mother, brother or sister of a deceased depositor may withdraw his deposit if such deposit did not exceed \$2,500 at the date of the depositor's death upon the production to the Director of the documents mentioned in paragraphs (a) to (g) of subsection (2).

(4) The executor, administrator, trustee, tutor or curator of the estate of a deceased depositor may withdraw the depositor's deposit upon the production to the Director of

- (a) a signed request for the deposit;
- (b) the deceased depositor's pass-book or a declaration of its loss and an undertaking to surrender it, if and when the same is recovered, and to indemnify the Bank against any misuse of the pass-book;
- (c) proof satisfactory to the Director of the depositor's death; and of
- (d) such of the documents specified in subsection (5) as may be applicable to the case.

Post Office Act—continued

(5) The executor, administrator, trustee, tutor or curator, as the case may be, of a deceased depositor's estate, shall produce to the Director such of the following documents as the Director may require, and any such document may be retained by the Director:

- (a) an authenticated or notarial copy of the probate of the will of the deceased depositor, or Letters of Administration of his estate, or of the Act of Curatorship or Tutorship, granted by any court in Canada having power to grant the same;
- (b) an authentic notarial copy of the will of the deceased depositor, if such will is in notarial form according to the law of the Province of Quebec; or
- (c) if the deceased depositor died outside of Canada, an authenticated or notarial copy of the Probate of his will, or of Letters of Administration of his property, or other documents of like import satisfactory to the Director, granted by any court or authority having the requisite power in such matters;

and the production of such document or documents shall be sufficient justification and authority to the Director for paying such deposit to the executor, administrator, trustee, tutor or curator, as the case may be.

(6) A deceased depositor's deposits withdrawn under the provision of this section

- (a) may, in any of the cases provided for by subsections (1), (2) or (3), be paid by cheque payable to the person or persons legally authorized to claim for the same; and
- (b) shall, in the case of subsection (4), be paid by cheque payable to the estate of the deceased depositor.

(7) The Director may apply the provisions of subsections (1) to (6) for the disposal of a deceased depositor's deposit notwithstanding the legitimacy or illegitimacy of such deceased depositor or of his heirs or of any one of them.

Deposits of Incapacitated Depositors

21. Where a depositor becomes insane or otherwise incapacitated to act, and such incapacity is proved to the satisfaction of the Director, and he is satisfied of the urgency of the case, he may authorize payment, from time to time, out of the deposits of such depositor, to any person whom he shall judge proper, and the receipt of such person shall be a good discharge for the same.

Persons of Unsound Mind

22. (1) If any depositor is of unsound mind or under any other legal disability, anything which, under these regulations, is required or authorized to be done by or to the depositor shall or may be done by or to the committee or other person empowered by law to administer his estate.

(2) Deposits may be made on behalf and in the name of a person of unsound mind by such committee or other person.

(3) The prescribed identification information shall be given by such committee or other person who shall specify the capacity in which it or he acts.

Post Office Act—continued

(4) Any application for the withdrawal of the deposits shall be made by such committee or other person.

(5) Where a depositor is of unsound mind and no committee or other person empowered by law to administer his estate has been appointed, the Director may, when it is proved to his satisfaction that it is just and expedient so to do, pay the deposits standing in the name of the depositor, or any part thereof, to any person whom he shall judge proper to receive the same.

Addition of names to an account

23. (1) Upon the application of a depositor the Director may add the names of other persons to the title of that depositor's account.

(2) Every person whose name is added to the title of an account shall give the identification information required upon making a first deposit.

Evidence of Identity

24. Nothing in these regulations shall prejudice the right of the Director to require evidence to be given to his satisfaction of the identity of any person or the title of any person to, or the authority of any person to withdraw or transfer any deposits, or the required evidence that anything purporting to be had or done in pursuance of these regulations has been duly had or done, or otherwise with respect to any matters on which the due exercise of his powers or performance of his duties under these regulations depends, and the Director may for the purpose of obtaining any such evidence require a statutory declaration to be made by any person.

Service Charges

25. The Director may charge, for the keeping of any depositor's account, service charges at such rates as may be approved by the Postmaster General.

Settlement of Disputes

26. Where a dispute arises between the Director and any depositor, or any executor, administrator, tutor or curator, next of kin, or creditor or assignee of a depositor who may become bankrupt or insolvent, or any person claiming to be such executor, administrator, tutor or curator, next of kin, creditor or assignee, or to be entitled to any money deposited in the Bank, then, and in every such case, the matter in dispute shall be referred, in writing, to the Postmaster General, and whatever award, order or determination shall be made by him shall be binding and conclusive on all parties, and shall be final, to all intents and purposes without any appeal.

Application of Regulations to Existing Deposits

27. Subject to the provisions of these regulations, these regulations shall apply to all sums standing to the credit of any account open in the Bank, provided that anything had or done by or in accordance with the directions of the Postmaster General or the Director with respect to deposits made before the coming into force of these regulations, if had or done in accordance with the regulations hereby repealed, shall be deemed to have been lawfully had or done notwithstanding that the provisions of these regulations were not complied with.

Post Office Act—continued**9. Surcharge on letters returned to sender as undeliverable**

The Postmaster General, pursuant to paragraph (e) of section 6 of the Post Office Act, hereby establishes that effective on the 1st of April, 1954, any letter returned to the sender as undeliverable, by the Undeliverable Mail Office, shall be subject to a surcharge of five cents, which surcharge shall be payable in addition to any other postage due thereon.

ALCIDE CÔTÉ
Postmaster General.

Ottawa, 9th March, 1954.

10. Surcharge on Business Reply Cards and Envelopes

The Postmaster General, pursuant to paragraph (e) of section 6 of the Post Office Act, does hereby establish that on and after the first of April, 1954, business reply cards and envelopes, postage for which is to be collected from the addressee on delivery, shall be subject to a surcharge of one cent each, to cover the cost of collection of postage.

ALCIDE CÔTÉ
Postmaster General.

Ottawa, 9th March, 1954.

11. Limits of Postal areas

The Postmaster General, pursuant to paragraph (n) of section 5 of the Post Office Act, does hereby establish, for the purpose of section 10 of the said Act, that the postal area of any post office shall include any rural mail route commencing from that post office, but shall not include any post office established on such routes.

ALCIDE CÔTÉ
Postmaster General.

Ottawa, 9th March, 1954.

12. Reproduction of Postage Stamps

Under and by virtue of the powers conferred by the Post Office Act the regulations respecting the reproduction of postage stamps made on the 8th June, 1950, are hereby revoked and the following regulations are hereby made and established.

REGULATIONS RESPECTING THE REPRODUCTION OF POSTAGE STAMPS

1. In these regulations, "postage stamps" means any postage stamp or impression issued or used under authority of the Post Office Act, or by or under the authority of the Government or proper authority of Great Britain, or of any British Dominion or possession, or of any foreign country.

2. Reproduction of postage stamps may be made and published, in black and white only, where they accompany or illustrate news items or articles in newspapers, magazines and other periodicals, in philatelic pub-

Post Office Act—continued

lications and catalogues, and on the stationery of philatelic clubs and societies; provided that every such reproduction shall be clearly and distinctly defaced and that the defacing line is embodied in the plate or die from which the reproduction is made.

3. No reproduction of any postage stamps, other than the reproductions authorized by section 2, shall be made or published in Canada unless specific permission in writing to make or publish such reproduction has first been obtained from the Postmaster General.

4. Application for permission to make or publish reproduction of postage stamps, other than those authorized by section 2, shall be made in writing to the Director of Financial Services, Post Office Department, Ottawa.

5. Permission will not be granted in any case for the reproduction of postage stamps on envelopes or other like containers or articles.

6. Where permission has been granted by the Postmaster General for the reproduction in colour of postage stamps, every such reproduction shall be at least fifty per cent larger or smaller than the original and shall be clearly and distinctly defaced, and the defacing line shall be embodied in the plate or die from which the reproduction is made.

7. Plates or dies used or employed in the reproduction of postage stamps authorized or permitted pursuant to these regulations shall be made entirely of babbitt or other soft metal or material; in no case shall steel be used in the manufacture of any such plate or die.

8. Every one who wilfully violates any of these regulations is guilty of an indictable offence and liable to the penalty prescribed by law.

ALCIDE CÔTÉ

Postmaster General.

Ottawa, 12th August, 1954.

13. Procedure *re* unpaid letters

Totally Unpaid Letters

The Postmaster General, pursuant to section 6 of the Post Office Act, does hereby establish that any letter posted inadvertently without postage having been paid thereon, may be forwarded for delivery, subject to collection of double the deficient postage from the addressee.

ALCIDE CÔTÉ,

Postmaster General.

Ottawa, 18th August, 1954.

14. Receptacles for the Delivery of Mail

The Postmaster General pursuant to section six of the Post Office Act hereby revokes the regulations made on the 19th October, 1953, and hereby makes and establishes the following in substitution therefor.

Post Office Act—continued**REGULATIONS GOVERNING THE PROVISION OF LETTER SLOTS AND MAIL BOXES
FOR THE RECEPTION OF MAIL IN PLACES WHERE LETTER CARRIER
DELIVERY SERVICE IS ESTABLISHED**

1. Before letter carrier delivery service is inaugurated in any place in Canada, or before any extension of a letter carrier delivery service already in operation is authorized, the householders shall provide suitable receptacles for the reception of mail.

2. Such mail receptacles may be either in the form of a slot cut in the front door or in the form of a suitable strong mail box fastened securely on or near the side of the front door.

3. Slots cut in the door should be not less than $4\frac{1}{2}$ inches by $1\frac{1}{4}$ inches, but preferably 6 inches by $1\frac{1}{4}$ inches, and placed 36 inches if possible but not less than 18 inches from the finished floor line.

4. No letter carrier delivery or extension thereof will be put into effect until at least 90 per cent of the householders have provided slots in the doors or other suitable mail receptacles.

5. Shops, stores and other places of business are not required to provide slots in the doors or other outside mail receptacles if such places of business are open to the letter carrier and delivery can be effected near the entrance, either to a responsible employee or to the office, provided it is located a reasonably short distance from the main entrance.

6. Prior to the establishment of letter carrier delivery service, or any extension of a letter carrier service at present in operation, householders and the heads of business places and concerns of all kinds, shall be notified by the Post Office Department by circular that, failing to provide for the reception of their mail in accordance with these regulations, their mail will not be delivered by letter carrier but will be placed in the General Delivery to be called for by them.

7. In any case where letter carrier delivery service is already in operation and a suitable mail receptacle is not provided by a householder, or if at any time a mail receptacle provided by a householder is considered to be unsuitable or unsafe for the reception of mail the Post Office Department may request such householder to replace it with a suitable mail receptacle and at the same time notify the householder that, failing to do so, his mail will not be delivered by letter carrier but will be kept in the General Delivery until called for by him.

ALCIDE CÔTÉ,
Postmaster General.

Ottawa, 26th October, 1954.

15. Mail Boxes in Apartment Houses

Pursuant to section 6 of the Post Office Act the Regulations governing Mail Boxes in Apartment Houses made on the 21st December, 1946, are hereby revoked, and in substitution therefor the following regulations are made and established.

Post Office Act—continued

REGULATIONS GOVERNING MAIL BOXES IN APARTMENT HOUSES IN
LOCALITIES WHERE LETTER CARRIER DELIVERY SERVICE
IS IN OPERATION

1. In these regulations "apartment house" means a building containing three or more dwellings with a common entrance.

2. Before Letter Carrier Delivery Service is given to the occupants of any apartment house located in an area where such service is in operation, the owner of the building or other responsible person shall install mail boxes in groups of a design approved by the Postmaster General to provide an individual mail box for each dwelling.

3. Every group of mail boxes shall consist of one row of not more than seven boxes, and every group of mail boxes shall be labelled with the name of the manufacturer and shall be equipped with a master door for the use of the letter carrier, hinged at the bottom so as to permit a minimum opening of ninety degrees, and fitted to receive the Post Office Crown Lock in such a manner that the bolt of the lock will engage at least $\frac{3}{16}$ of an inch when locked.

4. Every group of mail boxes shall be installed in a place and position readily accessible to the letter carrier, and their distance from the door shall be

- (a) in the case of a single row mounting, 59 inches to the keyhole of the master door, or
- (b) in the case of a double row mounting, 66 inches to the keyhole of the master door of the upper row.

5. The lock of the master door of every group of mail boxes shall be installed by a representative of the Postmaster General with machine screws supplied by the box manufacturer; such lock shall remain the property of the Postmaster General and the keys shall be retained in the custody of the Postmaster at all times.

6. Every part of a group of mail boxes shall be of rust resisting materials, of adequate strength and durability and shall be manufactured, assembled and installed in such a way as to provide proper protection against causing any damage by rough or sharp edges, projections or condensation.

7. The inside dimensions of every individual mail box shall be not less than $14\frac{3}{4}$ inches in height, $3\frac{5}{16}$ inches in width and $4\frac{1}{2}$ inches in depth, and every mail box shall be equipped with a card holder accessible to the tenant at all times for the purpose of changing or renewing the card, and such holder shall be placed so that the card when inserted will be clearly visible to the letter carrier when the master door is open even when the box is full.

8. Every individual mail box shall be equipped with a door for the use of the tenant, which shall be provided with a card holder to show the tenant's name and dwelling number and fitted with a three-tumbler type lock or its equivalent, it being understood that no two individual boxes in the same apartment will have the same key.

Post Office Act—continued

9. The door of every individual mail box shall be provided with an opening designed to reveal the presence of any object in the box without disclosing its nature, and it may have a slot not larger than $\frac{1}{8}$ of an inch by 3 inches for the reception of calling cards, notices of telegrams and other similar items.

10. The manufacturer shall enclose with each group of boxes a postcard in a form prescribed by the Postmaster General which shall be used by the owner of the apartment house or other responsible person to notify the Postmaster of the size and type of every group of mail boxes installed and the date of its installation.

11. Electric bells, telephones and similar equipment for the use of letter carriers and others in contacting patrons shall not be installed in a way that will permit access to the interior of any box.

12. The approval by the Postmaster General of the design of any group of mail boxes shall be obtained by submitting a sample thereof to the Post Office Department at Ottawa, and such approval when obtained shall indicate only that the group of mail boxes is of a design accepted as suitable for installation in apartment houses and shall not be construed as the granting of any manufacturing or other rights in connection with the production thereof.

13. These regulations do not apply to apartment houses where the mail is delivered to an office on the entrance floor, or to those having adequate elevator service where every dwelling is provided with a letter slot or mail box for letter carrier delivery service.

14. When, at any time, any mail box, group of mail boxes or other facility for the reception of mail in apartment houses is considered to have become unsuitable or unsafe, the Postmaster shall request the owner of the apartment house or other responsible person to replace such mail box, group of mail boxes or other facility for the reception of mail, and at the same time notify him and the tenant of every dwelling affected that, failing to do so, the mail will not be delivered by letter carrier, but will be placed in the General Delivery to be called for.

ALCIDE CÔTÉ,
Postmaster General.

Ottawa, 17th November, 1954.

16. Letter Chutes and Receiving Boxes in Buildings

Pursuant to section 6 of the Post Office Act all regulations heretofore made governing letter chutes and receiving boxes in buildings are hereby revoked and the following regulations are hereby made and established.

ALCIDE CÔTÉ
Postmaster General.

Ottawa, 22nd December, 1954.

Post Office Act—continued

REGULATIONS GOVERNING LETTER CHUTES AND RECEIVING BOXES
IN BUILDINGS

1. In these regulations "building" means an office building, hotel or apartment house which, in the opinion of the Postmaster General, is of sufficient size and importance to warrant the installation of letter chutes and receiving boxes for clearing by street letter box collection service.

2. No letter chute and receiving box shall be installed in a building without the approval of the Postmaster General, and the application for such approval shall be made by submitting the drawings and specifications of the chute and receiving box to the Postmaster General, Ottawa, together with a plan and description of the building, showing the contemplated location of the proposed chute and receiving box.

3. Every letter chute shall

- (a) extend through each storey of the building in a continuously vertical line from the point of its beginning down to the receiving box;
- (b) be located so as to be conveniently accessible throughout its entire length; and
- (c) be fitted on each storey with a device which, when unlocked, will permit free access to all portions of its interior.

4. At least three-quarters of the front of the exposed part of every letter chute on each storey shall be of plate glass not less than one-quarter of an inch in thickness, and every chute shall be provided on each storey with a letter slot conveniently located for use by the public and designed to prevent the insertion of bulky articles.

5. Every receiving box shall

- (a) be distinctly and legibly marked "Canada Post" or "Postes Canada" and shall be placed at an approved location on the main entrance floor of the building as near as possible to the main entrance, and the building shall remain open to the public during the hours prescribed for the posting and collection of mail;
- (b) be equipped with a door hung upon side hinges secured by rivets, fitted to receive a street letter box lock which shall be purchased from the Post Office Department at Ottawa;
- (c) be provided with a letter slot and equipped with a non-inflammable elastic cushion or other approved non-inflammable resilient material which shall be level with the threshold of the door;
- (d) be provided with hooks suitably located to hold the satchel or receptacle used by the mail collector; and
- (e) be installed at a distance of thirty inches from the floor to the bottom of the door and of not less than twenty inches from the floor to the bottom of the box, the space between the receiving box and the floor to remain open and unobstructed.

6. Every letter chute and receiving box shall be constructed of rust resisting materials of adequate strength and durability, and shall be equipped at every letter slot with a glazed frame with provision for a printed card which shall contain information as to the use of the chute and receiving box and the hours of mail collections.

Post Office Act—concluded

7. Any obstruction or defect in any letter chute or receiving box or any misuse thereof shall be reported immediately by the owner of the building or by the person having knowledge thereof to the Postmaster, who may in his discretion order that the mail collection from such receiving box be discontinued, and shall require the owner of the building to attach notices of such discontinuance to every letter slot in the chute and to the receiving box.

8. Every letter chute and receiving box shall be inspected regularly and kept clean and in a good state of repair by and at the expense of the owner of the building in which it is located.

9. Notwithstanding that a chute may receive mailable matter for transmission by post such matter shall not be deemed to be in course of post or to have been deposited in a post office until after it is actually inside the receiving box.

10. The property of a receiving box while authorized for the deposit of mail is vested in the Postmaster General.

11. These regulations shall be printed on the reverse and form part of every contract hereafter entered into for the supply, erection and use of every letter chute and receiving box.

PRAIRIE FARM ASSISTANCE ACT. (R.S.C., 1952, c. 213)**Prairie Farm Assistance Regulations**

P.C. 1954-2023

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 22nd day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the Prairie Farm Assistance Act, is pleased to order as follows:

1. The Regulations under The Prairie Farm Assistance Act, 1939, approved by Order in Council P.C. 5802 of 15th November, 1949, as amended, are hereby revoked; and

2. The annexed "Regulations under the Prairie Farm Assistance Act" are hereby approved and established in substitution for the regulations hereby revoked.

REGULATIONS UNDER THE PRAIRIE FARM ASSISTANCE ACT

1. These regulations may be cited as the *Prairie Farm Assistance Regulations*.

2. In these regulations,

(a) "Act means the Prairie Farm Assistance Act; and

(b) "Director" means the officer in charge of the administration of the Act.

Prairie Farm Assistance Act—continued

3. Applications for assistance by a rural municipality or the government of a province under section 3 of the Act shall be submitted to the Director prior to the 15th day of September in any year and shall be supported by full information with respect to the average yield of wheat in the township or other area in respect of which the application is made.

4. Any farmer, if requested to do so, shall, not later than a day to be fixed by the Minister in any year, submit to the Director, on a form prescribed by the Minister, accurate information respecting the total number of acres of cultivated land on their respective farms, and the quantities of wheat or other grains grown thereon.

5. The following lands and any grain grown thereon are excluded from the operation of subsections (1) and (2) of section 3 of the Act:

- (a) lands operated as experimental farms;
- (b) lands operated as market gardens;
- (c) lands held under a grazing lease;
- (d) lands operated by Indians within Reservations;
- (e) lands declared sub-marginal and ordered evacuated under the provisions of a provincial statute;
- (f) irrigated land on which the yield per acre is more than ten bushels of wheat or the equivalent in value of other crops;
- (g) any farm unit that forms part of an irrigation system, and which contains more than fifty acres of irrigable land, except when the yield per acre on the irrigable portion of the farm is ten bushels or less of wheat or the equivalent in value of the crops; and
- (h) lands operated by a body of persons working together and practising community of goods.

6. (1) An owner or tenant is not a farmer for the purposes of the Act:

- (a) unless he is the owner or tenant of a farm from the 1st day of May to the 1st day of November in the farm year;
- (b) unless he lives in the spring wheat area and his primary occupation is farming from the 1st day of May to the conclusion of the crop season;
- (c) unless he is responsible for the farm operations and the disposal of the proceeds of the farm;
- (d) where he rents his land from one of his parents otherwise than under a written lease executed before the 1st day of May of the year of award, if
 - (i) he has received a previous award for lands rented from one of his parents, and
 - (ii) he has received notice before such 1st day of May that to be eligible for an award he is required to rent the lands under a written lease.

(2) Notwithstanding paragraphs (a) and (b) of subsection (1) where a farmer dies or becomes mentally incompetent and the operation of the farm is continued by a person who is

- (a) related by blood or marriage to the deceased or mentally incompetent;

Prairie Farm Assistance Act—continued

- (b) is the sole beneficiary of the deceased or mentally incompetent; or
- (c) is operating the farm on behalf of a beneficiary who is living in the spring wheat area and is primarily dependent upon the farm for a living;

the person operating the farm is deemed to be an owner or tenant for the purposes of the Act; and where the death or insanity occurs after the acreage report has been filed under these regulations by the deceased or mentally incompetent, the acreage report is deemed to have been filed by the person operating the farm.

7. The minimum area of a farm in respect of which a payment may be made under the Act is twenty-five cultivated acres but payments under the Act may be made in respect of farms having less than twenty-five cultivated acres if the farm is in the development stage and the farmer has done further development work in the year of award.

8. Grain grown by Indians on farm lands within Indian Reservations is excluded from the operation of section 11 of the Act.

9. Where lands are operated in partnership a partner is not entitled to a separate award if his interest in the farm is less than one-half section of which not less than two hundred acres are cultivated or if the land operated by him is held under lease or rental agreement from the partnership or another member thereof.

10. Where no wheat was seeded in a township the yield of rye, oats or barley, whichever predominates, shall be used as the index for the purpose of determining the eligibility of the township; where rye is taken as the index the yield per acre of rye is deemed to be the yield of wheat; where oats or barley are taken as the index, two-thirds of the yield per acre of oats or barley is deemed to be the yield of wheat.

11. Every person required to make a deduction under section 11 of the Act shall furnish to any person employed in the administration of the Act at his request such information as he may require with respect to the quantity of wheat or other grains delivered by any farm and the dockage deducted therefrom.

12. A person required to make a deduction under section 11 of the Act shall pay to the Board of Grain Commissioners at its office in the City of Winnipeg, in the Province of Manitoba, not later than the 20th day of each month, the total amount of the levy deducted by them during the preceding month and at the same time shall submit on forms supplied by the Board information as to the amounts of wheat, oats, barley, and rye purchased during the preceding month according to the province of origin, the total respective purchase price and the respective amounts of the levies collected.

13. Licensees of country elevators who close their monthly accounts on any day other than the last day of the month, shall pay the levy collected and shall submit the information not later than the 20th day following the day on which the accounts are closed; for the purposes of this section the term "month" means the period between two consecutive days on which accounts are closed.

Prairie Farm Assistance Act—concluded

14. Pursuant to paragraph (1) of subsection (1) of section 2 of the Act, each of the groups of river lots in the Provinces of Manitoba, Saskatchewan and Alberta, listed in the Schedule hereto attached, is declared to be a township for the purposes of the Act.

Schedule

Copies of the Schedule referred to in section 14 of these regulations may be obtained on application to the Director, Prairie Farm Assistance, Department of Agriculture, Regina, Sask.

PRAIRIE FARM REHABILITATION ACT. (R.S.C., 1952, c. 214)

No regulations have been made under this statute.

PRAIRIE GRAIN PRODUCERS' INTERIM FINANCING ACT.

(1951, [2nd session], c. 20)

Prairie Grain Producers' Interim Financing Regulations

P.C. 39

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 4th day of January, 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Trade and Commerce and by virtue of the powers conferred by The Prairie Grain Producers' Interim Financing Act, 1951, is pleased to make the annexed regulations entitled the "Prairie Grain Producers' Interim Financing Regulations", and they are hereby made and established, effective January 15, 1952, accordingly.

PRAIRIE GRAIN PRODUCERS' INTERIM FINANCING REGULATIONS

Short Title

1. These Regulations may be cited as the *Prairie Grain Producers' Interim Financing Regulations*.

Interpretation

2. (1) Words and expressions in these regulations have the same meaning as in The Prairie Grain Producers' Interim Financing Act, 1951, herein referred to as the "Act".

(2) Whenever under these regulations any matter or thing is in the discretion of a bank, such discretion may be exercised by a responsible officer of the bank.

Application for Loan

3. (1) Application for a guaranteed loan under the Act shall be in accordance with Form "A" in the Schedule to these regulations or a form to the like effect.

Prairie Grain Producers' Interim Financing Act—continued

(2) A responsible officer of the bank shall scrutinize and check the application for the loan with the care required of him by the bank in the conduct of its ordinary business and, if the loan is made, shall give a certificate to that effect and to the effect that to the best of his knowledge the terms of and conditions in accordance with which the loan is made are such as to qualify it for guarantee under the Act and these regulations.

(3) An application does not require the approval of the Minister of Trade and Commerce, but a copy thereof, together with the certificate of the responsible officer of the bank mentioned in subsection two, shall be sent to the said Minister with the monthly report for the month in which the loan was made in accordance with section sixteen but the said Minister in his discretion may accept an application sent thereafter.

Interest Rate

4. The rate of interest charged by the bank to a borrower for a guaranteed loan shall not exceed five and one-half per cent per annum simple interest.

Promissory Notes and Security

5. A guaranteed loan shall be evidenced by a promissory note given by the borrower to the bank.

6. (1) Security for repayment of a loan given under section six of the Act shall be in accordance with Form "B" in the Schedule to these regulations or a form to the like effect.

(2) Where, in the opinion of the bank, security for repayment of a guaranteed loan in addition to that provided for by section six of the Act is necessary or advisable, the bank may take such security.

7. The direction to be endorsed by a borrower in the permit book for the farm in respect of which he is an actual producer under paragraph (c) of section three of the Act shall be in accordance with Form "C" in the Schedule to these regulations or a form to the like effect.

8. A guaranteed loan, payable otherwise than on demand, shall be for such term as the bank deems appropriate, but shall not be for a term ending after the first days of September, 1952.

Revision of Terms of Loan

9. Where a borrower is in default or informs the bank that some of the terms of the loan are such that he will have to default or where, in either case, the bank is of opinion that a revision or alteration of some of the terms of the loan will enable the borrower to meet his obligation the bank may, with the agreement of the borrower, alter or revise the terms of the loan or, notwithstanding section eight, extend the time within which the loan is repayable in whole or in part.

Misrepresentation

10. If a bank discovers that a statement in an application for a loan is false in any material respect, the bank may take any action which it deems proper in the circumstances and shall immediately report the facts to the Minister of Trade and Commerce who may request the bank to take such action or further action as he may require.

Prairie Grain Producers' Interim Financing Act—continued*Procedure on Default*

11. If default in repayment of the loan has occurred, the bank may take such steps whether by legal proceedings or otherwise as it considers advisable to effect collection of the loan, to obtain whatever additional security it considers advisable under the circumstances and to realize upon its security to whatever extent it deems advisable and, to the extent that it considers advisable, to effect any compromise with or grant any concession to any person other than the borrower.

Claims

12. Claims for loss sustained by the bank as a result of a guaranteed loan may be made in accordance with Form "D" in the Schedule to these regulations or a form to the like effect to the Minister of Trade and Commerce on or after the first day of October, 1952, with respect to any guaranteed loan that remains unpaid in whole or in part on that day.

13. (1) The amount of loss sustained by a bank as the result of a guaranteed loan shall include:

- (a) the unpaid principal amount of the loan;
- (b) the uncollected earned interest on the loan calculated at the rate of two and one-half per centum per annum until the claim is approved for payment.
- (c) any uncollected taxed or taxable costs and any disbursements for or incidental to legal or other proceedings taken in accordance with the loan; and
- (d) legal fees, costs and disbursements whether taxable or not, actually incurred by the bank, whether with or without litigation, in collecting or endeavouring to collect outstanding loans or in protecting the interests of the Crown, but only to the extent which the Deputy Minister of Justice taxes or allows.

(2) Claims for loss, if in accordance with the Act and these regulations, shall be paid within sixty days after submission of the claim.

14. (1) Where payment is made by the Minister of Finance to a bank under the Act in respect of any loss sustained by the bank as a result of a guaranteed loan, the bank shall execute a receipt in accordance with Form "E" in the Schedule to these regulations or a form to the like effect in favour of the Minister of Trade and Commerce, and the Minister of Trade and Commerce on behalf of His Majesty shall thereupon be subrogated in and to all the rights of the bank in respect of such loan and without limiting the generality of the foregoing, all rights and powers of the bank in respect of the loan, and in respect of any judgment in respect thereof obtained by the bank, and in respect of any security taken by the bank for the repayment thereof shall thereupon be vested in the Minister of Trade and Commerce on behalf of His Majesty, and that Minister shall be entitled on behalf of His Majesty to exercise all the rights, powers and privileges which the bank had or might exercise in respect of such loan, judgment or security, and to commence or continue any action or proceeding in respect thereof, and to execute any documents necessary by way of release, transfer, sale or assignment thereof, or in any way to realize thereon.

Prairie Grain Producers' Interim Financing Act—concluded

(2) Any document purporting to be a receipt in accordance with Form "E" in the Schedule to these regulations or a form to the like effect and purporting to be signed on behalf of the bank shall be evidence of the payment by the Minister of Finance to the bank under this Act in respect of the loan therein mentioned and of the execution of such document on behalf of the bank.

(3) A receipt in accordance with Form "E" in the Schedule to these regulations or a form to the like effect shall be executed by the bank and forwarded to the Minister of Trade and Commerce by ordinary post forthwith after the bank receives payment in respect of the loss as the result of a guaranteed loan, together with the promissory note or notes signed by the borrower and the bank shall deal with any security held by it for the loan as the said Minister may direct and at his expense.

Recoveries

15. (1) The bank shall, notwithstanding full settlement of its claim for loss as the result of a guaranteed loan, act on behalf of the Minister of Trade and Commerce to collect amounts outstanding in respect of the loan and for such purpose shall take such reasonable steps as the said Minister may deem necessary and shall realize upon any security held by it, such amounts as may be collected or realized by it to be remitted to the said Minister at the end of each month, commencing with the first day of November, 1952.

(2) The actual expenses of the bank in respect of steps taken in collecting or attempting to collect a loan mentioned in subsection one or to realize security therefor, shall be paid by the Minister of Trade and Commerce to the bank.

Reports to the Minister

16. (1) For each of the first five months of 1952, the bank shall prepare and mail to the Minister of Trade and Commerce by ordinary post within thirty days following the last day of each such month, a monthly report showing particulars of loans made in that month in accordance with Form "F" in the Schedule to these regulations or a form to the like effect.

(2) Commencing with the month of June, 1952, the bank shall prepare and mail to the Minister of Trade and Commerce by ordinary post within thirty days after the end of each month a report in accordance with Form "G" in the Schedule to these regulations or a form to the like effect showing all amounts collected or security realized with respect to guaranteed loans within that month.

(3) The bank shall furnish such other information to the Minister of Trade and Commerce as he may require from time to time.

Registry

17. The Minister of Trade and Commerce shall establish a registry for the purpose of recording all loans made under the Act.

Forms

Copies of the forms contained in the Schedule to these regulations may be obtained on application to any branch of a chartered bank.

PRECIOUS METALS MARKING ACT. (R.S.C., 1952, c. 215)

Silver electro-plated flat ware regulations

P.C. 1953-455

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 26th day of March, 1953.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the provisions of The Precious Metals Marking Act, 1946, is pleased to order as follows:

1. Order in Council P.C. 158 of 18th January, 1949, relating to the quality mark to be applied to articles of electro-plated flat ware, is hereby revoked; and

2. The annexed regulations entitled "The Silver Electro-Plated Flat Ware Regulations" are hereby made and established in substitution for the Order in Council hereby revoked.

THE SILVER ELECTRO-PLATED FLAT WARE REGULATIONS

1. The quality mark "A.1.x", "A.1.+" or "A.1. Extra", when it is applied to a silver electro-plated flat ware article, shall be taken to have the meaning that

- (a) the primary plating of silver on such article is equal in thickness to that on each teaspoon of a gross of teaspoons that are of the same pattern as such article and to which gross two ounces of silver have been uniformly applied; and
- (b) such article has, at the point of greatest wear, an over-layer equal in thickness to the primary deposit and containing at least one grain of silver.

2. The quality mark "A.A.+", "A.A.1.+" or "A.A.1. Extra", when it is applied to a silver electro-plated flat ware article, shall be taken to have the meaning that

- (a) the primary plating of silver on such article is equal in thickness to that on each teaspoon of a gross of teaspoons that are of the same pattern as such article and to which gross four ounces of silver have been uniformly applied; and
- (b) such article has, at the point of greatest wear, an over-layer equal in thickness to the primary deposit and containing at least one point six grains of silver.

3. The quality mark "Quadruple" or "XXXX", when it is applied to a silver electro-plated flat ware article, shall be taken to have the meaning that the primary plating of silver on such article is equal in thickness to that on each teaspoon of a gross of teaspoons that are of the same pattern as such article and to which gross eight ounces of silver have been uniformly applied.

PRIVILEGES AND IMMUNITIES (UNITED NATIONS) ACT.**(R.S.C., 1952, c. 219)**

	Page
1. <i>Accession to Convention on the Privileges and Immunities of the United Nations</i>	2584
2. <i>Privileges and Immunities (Branch Office, International Labour Office) Order</i>	2585
3. <i>International Civil Aviation Organization, privileges and immunities accorded</i>	2589

1. Accession to Convention on the Privileges and Immunities of the United Nations

P.C. 3946

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of October, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Privileges and Immunities (United Nations) Act, Chapter 69 of the Statutes of Canada, 1947, provides that the Governor in Council may authorize the accession of Canada to the Convention on the Privileges and Immunities of the United Nations with the reservation that exemption from taxation imposed by any law in Canada on salaries and emoluments shall not extend to a Canadian Citizen residing or ordinarily resident in Canada, and may make such orders as appear to him to be necessary for that purpose and for the purpose of carrying out the obligations of Canada thereunder;

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Right Honourable W. L. Mackenzie King, the Prime Minister, is pleased to authorize and doth hereby authorize the Secretary of State for External Affairs to execute, on behalf of Canada, an Instrument of Accession to the Convention on the Privileges and Immunities of the United Nations with the reservation that exemptions from taxation imposed by any law in Canada on salaries and emoluments shall not extend to a Canadian citizen residing or ordinarily resident in Canada.

His Excellency in Council, for the purpose of carrying out the obligations of Canada under the said Convention, is further pleased to make and doth hereby make the following Order:

ORDER

1. The United Nations shall have the legal capacities of a body corporate.

2. The United Nations shall in Canada have the immunities and privileges set out in sections two, three, four, five, seven and nine of the Convention on the Privileges and Immunities of the United Nations, hereinafter referred to as the "Convention".

3. (1) Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations shall, while exercising their functions and during their journey to and from the place of meeting, have in Canada the privileges and immunities set out in section eleven of the Convention.

Privileges and Immunities (United Nations) Act—continued

(2) Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations shall continue to have the immunities set forth in paragraph (a) of section eleven of the Convention in respect of words spoken or written and all acts done by them in discharging their duties notwithstanding that they are no longer the representatives of Members.

(3) Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations are present in Canada for the discharge of their duties shall not be considered as periods of residence.

(4) Subsections (1), (2) and (3) of this section do not apply to a representative of Canada or to a Canadian citizen.

(5) For the purposes of this section the expression "representatives" includes delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

4. (1) Officials of the United Nations whose names are included in the categories specified by the Secretary-General pursuant to section seventeen of the Convention shall in Canada have the immunities and privileges set forth in section eighteen of the Convention.

(2) The Secretary-General and all Assistant Secretaries-General, their spouses and minor children shall in Canada have the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

5. Experts, other than officials of the United Nations within the meaning of section four of this Order performing missions for the United Nations shall in Canada have the privileges and immunities set forth in paragraphs (a), (b), (c), (d), (e) and (f) of section twenty-two of the Convention except insofar as any such privilege or immunity is waived by the Secretary-General pursuant to section twenty-three of the Convention.

6. Nothing in this Order shall be construed as exempting a Canadian citizen residing or ordinarily resident in Canada from taxation imposed by any law in Canada on salaries and emoluments.

2. Privileges and Immunities (Branch Office, International Labour Office) Order

P.C. 1954-456

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 31st day of March, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs and by virtue of the powers conferred by section 3 of the Privileges and Immunities (United

Privileges and Immunities (United Nations) Act—continued

Nations) Act, is pleased, hereby, to revoke Order in Council P.C. 6283 of 14th August, 1941, "The Treaties of Peace (Status of the International Labour Office) Order, 1941", and to make the following Order:

1. This Order may be cited as the Privileges and Immunities (Branch Office, International Labour Office) Order.

2. For the purpose of this Order,

- (a) "Branch Office" means the Canada Branch of the International Labour Office;
- (b) "International Labour Office" means the body set up in accordance with the Provisions of the Constitution of the International Labour Organization, the said organization being a Specialized Agency of the United Nations; and
- (c) "Senior Official" means any official of the Branch Office designated as a senior official by the Director General of the International Labour Office according to the procedure set out in section 16.

3. The Branch Office shall possess juridical personality; it shall have the legal capacities of a body corporate, including the capacity

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property; and
- (c) to institute legal proceedings.

4. The Branch Office, its property and its assets, wherever located and by whomsoever held, shall enjoy the same immunity from suit and every form of judicial process as is enjoyed by foreign governments, except to the extent that the Branch Office may expressly waive its immunity for the purpose of any proceedings or by the terms of any contract; no waiver of immunity shall, however, extend to any measure of execution.

5. (1) The premises of the Branch Office shall be inviolable.

(2) The property and assets of the Branch Office, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action, except with the consent of and under the conditions agreed to by the Director General of the International Labour Office, but this section shall not prevent the reasonable application of fire protection regulations.

(3) The Branch Office shall, however, prevent the premises from becoming a refuge either for persons who are avoiding arrest or for persons who are endeavouring to avoid service or execution of legal process.

6. The archives of the Branch Office, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

7. The Branch Office, its assets, income and property, owned or occupied in Canada, shall be

- (a) exempt from all direct taxes; it is understood, however, that the Branch Office will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Branch Office for its official use; it is understood, however,

Privileges and Immunities (United Nations) Act—*continued*

that articles imported under such exemption will not be sold in Canada except under conditions agreed with the Government of Canada; and

- (c) exempt from any prohibitions or restrictions on import, export or sale of its publications and exempt from customs duties and excise taxes in respect thereof.

8. When goods are purchased under appropriate certificates from manufacturers or wholesalers who are licensed under the Excise Tax Act, the Branch Office should be eligible to claim for the remission or refund of the excise tax and/or the consumption or sales tax for goods imported or purchased in Canada for the official use of the Branch Office as a body; provided, however, that any article which is exempted from these taxes, other than publications of the Branch Office or the International Labour Office, shall be subject thereto at existing rates if sold or otherwise disposed of within a period of one year from the date of purchase and the vendor shall be liable for such tax.

9. The Branch Office shall enjoy in the territory of Canada for its official communications treatment not less favourable than that accorded by the Government of Canada to any foreign Government including its diplomatic mission in the matter of priorities and rates on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio.

10. No censorship shall be applied to the official correspondence and other official communications of the Branch Office, the Branch Office shall have the right to use codes and to despatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags; but nothing in this section shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between the Branch Office and the Government of Canada.

11. Except in so far as in any particular case any privilege or immunity is waived by the Director General of the International Labour Office, the Senior Officials shall

- (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens registration or national service obligations;
- (c) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
- (d) be exempt from taxation on the salaries and emoluments paid to them by the International Labour Office;
- (e) enjoy the privilege of exemption in respect of themselves and their families from examination of baggage and other effects and admission thereof free of duty and taxes;
- (f) enjoy the privilege of admission of articles for their personal or family use free of duty and taxes at all times, provided that any article which was exempted from duty and taxes shall be subject

Privileges and Immunities (United Nations) Act—continued

thereto at the existing rates if sold or otherwise disposed of in Canada, within a period of one year in the case of articles other than motor vehicles, and two years in the case of motor vehicles, from the date of acquisition, and the vendor shall be liable for such duties and taxes;

- (g) be eligible to claim for the exemption from the excise duty imposed under the Excise Act on domestic spirits and tobacco purchased from licensed manufacturers in Canada; and
- (h) be eligible to claim exemption from excise and/or sales tax on domestic spirits, wine and tobacco products when purchased direct from licensed manufacturers for the personal use of the applicant, and on automobiles, ale, beer and stout when purchased under appropriate certificate from licensed manufacturers; provided that any article which was exempted from these taxes shall be subject thereto at the existing rates if sold or otherwise disposed of within the period of one year from the date of purchase and the vendor shall be liable for such tax.

12. The Government of Canada shall not levy death taxes or succession duties on or in respect of property acquired for or incidental to residence in Canada by deceased Senior Officials who were not Canadian citizens at date of death; the Government of Canada shall make no impediment to the repatriation of such tax and duty-free property.

13. Except in so far as in any particular case any privilege or immunity is waived by the Director General of the International Labour Office, other officials of the Branch Office shall

- (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of International crisis as diplomatic envoys; and
- (c) have the right to import free of duty their furniture and effects, including motor vehicles but not including spirituous liquors, at the time of first taking up their post in Canada.

14. The provisions of paragraphs (d) to (h) inclusive of section 11 and of paragraph (c) of section 13 shall not apply to any Canadian citizen residing or ordinarily resident in Canada; moreover, an official of the International Labour Office who is or becomes a resident of Canada upon retirement will not enjoy by virtue of this Order exemption from taxation on the pension which may be paid to him by the International Labour Office.

15. Privileges and immunities have been granted to officials in the interest of the International Labour Office and not for the personal benefit of the individuals themselves; and the Director General of the International Labour Office shall have the right to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the International Labour Office.

16. The categories of officials to whom the provisions of sections 11, 12 and 13 shall apply shall be specified by the Director General of the International Labour Office and the names of these official shall be notified to the Secretary of State for External Affairs.

Privileges and Immunities (United Nations) Act—concluded

3. International Civil Aviation Organization, privileges and immunities

P.C. 1954-1791

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Secretary of State for External Affairs reports:

THAT the Privileges and Immunities (United Nations) Act provides that the Governor in Council may by order grant to specialized agencies of which Canada is a Member and which are brought into relationship with the United Nations in accordance with Article 63 of the Charter of the United Nations, the privileges and immunities described in the Convention on Privileges and Immunities of the United Nations in the Schedule to the Act;

THAT the International Civil Aviation Organization is a specialized agency and has been brought into relationship with the United Nations in accordance with Article 63 of the Charter of the United Nations;

THAT Canada is a Member of the International Civil Aviation Organization;

THAT the Convention on International Civil Aviation, to which Canada is a party, provides that immunities should be accorded to the Organization;

THAT by Order in Council P.C. 1774 of 11th April 1951, authority was granted by the Governor in Council to Lester Bowles Pearson to sign on behalf of Canada a Headquarters Agreement between Canada and the International Civil Aviation Organization establishing the privileges and immunities to be accorded to the International Civil Aviation Organization, to the Representatives of Members and to its officials in Canada in the form of a draft annexed to the said Order in Council P.C. 1774;

THAT in accordance with the provisions of the said Order in Council, Lester Bowles Pearson signed on behalf of Canada the Headquarters Agreement in the form and terms of the draft attached to the said Order in Council;

THAT by Article 41 of the Headquarters Agreement, a draft whereof was attached to the said Order in Council, it was provided that the Agreement should enter into force in accordance with an Exchange of Notes between the President of the Council and the Representative of the Government of Canada;

THAT in accordance with the provisions of the said Article 41 of the Headquarters Agreement, the Agreement entered into force on May 1, 1951, by an Exchange of Notes between the President of the Council and the Representatives of the Government of Canada, Lester Bowles Pearson;

THAT doubts have been raised as to whether the privileges and immunities to be accorded to the International Civil Aviation Organization,

Privileges and Immunities (United Nations) Act—*continued*

to the Representatives of Members and to its officials in Canada have been effectively established in accordance with the provisions of the draft Agreement annexed to the said Order in Council; and

THAT it is expedient for the Government of Canada to ensure that the appropriate privileges and immunities be granted to the International Civil Aviation Organization, to the Representatives of Members and to its officials.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs and by virtue of the powers conferred by The Privileges and Immunities (United Nations) Act, is pleased to order and doth hereby order as follows:

1. Notwithstanding any other section of this Order, the International Civil Aviation Organization shall, in Canada, have the privileges and immunities set forth in Articles II and III of the Convention on the Privileges and Immunities of the United Nations, hereinafter referred to as the "Convention", to the extent that these privileges and immunities are contained in the Agreement between the International Civil Aviation Organization and the Government of Canada regarding the Headquarters of the International Civil Aviation Organization, signed at Montreal on April 14, 1951, hereinafter referred to as the "Agreement".

2. The International Civil Aviation Organization shall have the legal capacities of a body corporate.

3. (1) For the purposes of this section, the expression "representatives" shall have the meaning accorded by the Agreement to the expression "Representatives of Members" and shall include representatives of states and governments that are members of the International Civil Aviation Organization and representatives of states attending conferences convened by the International Civil Aviation Organization.

(2) Representatives shall have in Canada the privileges and immunities set forth for Representatives of Members in Article IV of the Convention, to the extent that these privileges and immunities are extended to Representatives of Members by the Agreement, and subject to any terms or conditions set out in the Agreement.

(3) Representatives shall continue to have the immunities set forth in Article IV of the Convention to the extent that these are specified in paragraph (a) of section 12 of the Agreement notwithstanding that they are no longer the representatives of members.

(4) Where the incidence of any form of taxation depends upon residence, periods during which representatives are present in Canada for the discharge of their duties shall not be considered as periods of residence.

4. The President of the Council, the Secretary-General, the Deputy Secretary-General and all Assistant Secretaries-General shall in Canada have the privileges and immunities set forth in Article V of the Convention for officials of the United Nations to the extent that these are set forth in the Agreement, as applicable to senior officials of the International Civil Aviation Organization. Without restricting any other privileges or immunities accorded under this clause, the President of the Council and the Secretary-General of the International Civil Aviation Organization

Privileges and Immunities (United Nations) Act—*continued*

shall be accorded in respect of themselves, their spouses and minor children the same privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law.

5. Officials of the International Civil Aviation Organization whose names are included in the categories specified by the Secretary-General of the Organization in accordance with section 26 of the Agreement shall in Canada have the privileges and immunities set forth in Article V of the Convention for officials of the United Nations, to the extent that these are set forth in the Agreement. Such officials shall be deemed to have been designated by the Governor in Council pursuant to paragraph (d) of subsection (2) of section 3 of The Privileges and Immunities (United Nations) Act.

6. Nothing in this Order shall be construed as exempting a Canadian citizen residing or ordinarily resident in Canada, from liability for any taxes or duties imposed by any law in Canada.

7. For greater certainty, it is hereby declared that the foregoing privileges and immunities shall be deemed to have been provided by the Governor in Council by Order in Council P.C. 1774 of 11th April, 1951, and to have become effective on the first day of May, 1951, in accordance with the provisions of the Exchange of Notes between the President of the Council and L. B. Pearson as representative of the Government of Canada.

PROPRIETARY OR PATENT MEDICINE ACT. (R.S.C., 1952, c. 220)

Consolidated Schedule to the Act

P.C. 1954-1733

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Schedule to the Proprietary or Patent Medicine Act as established by Chapter 220 of the Revised Statutes of Canada, 1952, has been amended by Orders in Council P.C. 4505 of 19th November 1952, P.C. 4670 of 22nd December 1952, and P.C. 1953-1400 of 15th September, 1953, pursuant to the provisions of section 21 of the said Act;

AND WHEREAS it is desirable that the said Schedule be consolidated in accordance with the Appendix hereto.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of National Health and Welfare and pursuant to the Proprietary or Patent Medicine Act, is pleased to consolidate and doth hereby consolidate the Schedule to the said Act in accordance with the Appendix hereto.

Schedule

Acetanilide (Antifebrin) and other coal tar derivatives having similar action
Acetylsalicylic Acid under whatever name it may be employed
Aconite, its preparations and derivatives

Proprietary or Patent Medicine Act—continued

Adonis Vernalis
Antimony, compounds of
Apiol
Arsenical preparations
Atropine
Barbitone (veronal)
Belladonna, its preparations and derivatives
Benzocaine
Benzol
Beta Naphthol
Bromides
Butyn
Cantharides, its preparations and derivatives
Carbolic Acid (phenol)
Chloral Hydrate
Chloralamide
Chloretone
Cinchopen, U.S.P. Standard, with the chemical synonym quinoline carboxylic acid under whatever name it may be marketed
Colchicum, its preparations and derivatives
Conium (*maculatum*), its preparations and derivatives
Cotton Root
Croton Oil
Digitalis, its preparations and derivatives
Ephedrine Salts
Ergot and its preparations
Ergotine
Eucaine
Gelsemium
The Hellebores (*helleborus niger* and *album* and *veratrum viride*)
Heroin (for external use only)
Hyoscine
Hyoseyamin and its preparations
Hyoseyamus, its preparations and derivatives
Indian Hemp (*cannabis indica*), its preparations and derivatives
Lobelia, its preparations and derivatives
Mercury and its compounds
Methylene Blue
Morphine (morphia), (external use only)
Novocaine
Nupercaine or Percaine under whatever name it may be known
Nux Vomica, its preparations and derivatives
Oil of Cedar
Opium, its preparations and derivatives (external use only)
Pennyroyal

Proprietary or Patent Medicine Act—concluded

Phenacetine (para-acetphenetidin) and Phenazone (antipyrine) are included in this group, and other members of the group will be specifically named from time to time

Phenobarbital

Phosphorus

Potassium Chlorate

Prussic Acid

Salicylamide

Santonin

Savin

Scopolamine

Sodium Chlorate

Squill and its preparations

Stovaine

Stramonium, its preparations and derivatives

Strophanthus, its preparations and derivatives

Strychnine (*strychnia*), and its preparations

Sulphonal

Tansy

Trional

Veratrine (*veratrina*).

PUBLIC LANDS GRANTS ACT. (R.S.C., 1952, c. 224)

	Page
1. <i>Public Lands Grants Regulations</i>	2593
2. <i>Public Lands Oil and Gas Regulations</i>	2595

1. Public Lands Grants Regulations

P.C. 1954-633

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 29th day of April, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and by virtue of the powers conferred by the Public Lands Grants Act, is pleased to order as follows:

1. The Public Lands Grants Regulations established by Order in Council P.C. 1268 of 21st March, 1951, are hereby revoked; and

2. The annexed "Regulations governing the sale and lease of Public Lands under the Public Lands Grants Act" are hereby made and established in substitution for the regulations hereby revoked.

Public Lands Grants Act—continuedREGULATIONS GOVERNING THE SALE AND LEASE OF PUBLIC LANDS
UNDER THE PUBLIC LANDS GRANTS ACT*Short Title*

1. These Regulations may be cited as the *Public Lands Grants Regulations*.

Interpretation

2. In these regulations,

- (a) “Minister” means the Minister of Northern Affairs and National Resources; and
- (b) “public lands” means lands belonging to Her Majesty in right of Canada and includes lands of which the Government of Canada has power to dispose.

3. These regulations apply only to public lands under the control, management and administration of the Minister.

4. Subject to the Act and these regulations the Minister may sell or lease public lands.

Inspection

5. (1) An inspection and valuation of public lands by a valuator, appointed by the Minister for the purpose, shall be made before the lands are leased or sold under these regulations.

(2) Where public lands that have been inspected and valued are not leased, sold or otherwise disposed of within a period of one year following the inspection and valuation, a further inspection and valuation as provided in subsection (1) shall be made before the lands are leased or sold under these regulations.

Lease of Public Lands

6. (1) Where an inspection and valuation of public lands have been made under section 5 and the amount of the valuation does not exceed five thousand dollars, the Minister may lease the lands at an annual rental or fee of not less than six per cent of the valuation.

(2) The lease may be for a term not exceeding twenty-one years, but the Minister may grant a renewal thereof for a further term not exceeding twenty-one years.

(3) The annual rental payable under each lease shall be payable yearly in advance.

7. A lease of public lands that have been declared to be necessary for the defence of Canada or other public purposes shall contain provisions to enable the Minister, at any time, to cancel the lease within a period of not more than six months from the time a notice of cancellation is given to the lessee.

8. The lease shall be in a form prescribed by the Minister and, subject to sections 6 and 7, shall contain such provisions as he considers advisable.

9. A lessee desiring to assign or transfer his lease shall pay all outstanding rent and submit a properly executed unconditional assignment, in duplicate, of the lease, and shall pay the fee prescribed by these regulations.

Public Lands Grants Act—continued

Sale of Public Lands

10. Where an inspection and valuation of public lands that are not required for the defence of Canada or other public purposes have been made by a valuator under section 5 and the amount of the valuation does not exceed five thousand dollars, the Minister may sell the land for an amount not less than the valuation.

11. Public lands may be sold under these regulations under such terms and subject to such conditions as may be prescribed by the Minister.

Interest

12. Where any contract, lease or other agreement for the sale, lease or other use of public lands is entered into after the coming into force of these regulations and interest is payable under the terms thereof, the rate of interest shall be five per cent per annum.

Fees

13. The fees to be charged in connection with the administration of public lands are as follows:

Assignment—registration of	\$5.00
Certified copy of patent	5.00
Certified copy of lease or licence	2.00
Copying documents per folio .....	.25
Preparation of lease, licence or other document	5.00

2. Public Lands Oil and Gas Regulations

P.C. 1954-1590

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 19th day of October, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the Public Lands Grants Act, is pleased to order as follows:

1. Order in Council P.C. 4300 of 31st August, 1949, as amended, relating to the grant of leases of petroleum and natural gas rights, the property of the Crown in right of Canada, within and under lands in the Province of Alberta, Saskatchewan or Manitoba, is hereby revoked; and

2. The annexed "Regulations respecting oil and gas rights, the property of the Crown in right of Canada in the Provinces of Alberta, Saskatchewan and Manitoba", are hereby made and established in substitution for the Order hereby revoked.

Public Lands Grants Act—ocncludedREGULATIONS RESPECTING OIL AND GAS RIGHTS, THE PROPERTY OF THE
CROWN IN RIGHT OF CANADA IN THE PROVINCES OF ALBERTA,
SASKATCHEWAN AND MANITOBA

1. These regulations may be cited as the *Public Lands Oil and Gas Regulations*.

2. In these regulations,

- (a) "gas" means all natural gas including casinghead gas and all hydrocarbons not defined as oil herein;
- (b) "Minister" means the Minister of Northern Affairs and National Resources; and
- (c) "oil" means crude petroleum oil and all other hydrocarbons regardless of gravity, which are produced at the well in liquid form by ordinary production methods.

3. The Minister may, from time to time, call for tenders for the exclusive right and privilege to drill for, remove and dispose of the oil and gas rights belonging to the Crown in right of Canada within and under lands in the Provinces of Alberta, Saskatchewan and Manitoba.

4. The Minister may grant a lease of such right and privilege in the form set out in the Schedule hereto to the person who makes the highest tender.

5. The Minister may vary the provisions of such form except as to rental and royalty as the circumstances may require.

6. In order to conserve oil and gas resources and to secure the orderly and regular development and the most efficient, economic recovery thereof the Minister may enter into an agreement or agreements subject to the approval of the competent authority in the province with owners of freehold and other leasehold oil and gas interests for the consolidation, merger or combination of their interests whether such purpose be accomplished by unit operations, co-operative development or joint participation.

Schedule

Copies of the form of lease contained in the Schedule to these regulations may be obtained on application to the Chief, Lands Division, Department of Northern Affairs and National Resources, Ottawa.

PUBLIC OFFICERS ACT (R.S.C. 1952, c. 225)

No regulations under this statute were in effect on January 1, 1955.

PUBLIC PRINTING AND STATIONERY ACT. (R.S.C., 1952, c. 226)**Canada Gazette, Style of type and rates**

P.C. 5571

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 3rd day of December, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Secretary of State and pursuant to the provisions of section 30 of the Public Printing and Stationery Act, Revised Statutes of Canada, 1927, Chapter 162, is pleased to order as follows:

Public Printing and Stationery Act—concluded

Order in Council P.C. 4385 of 22nd October, 1948, prescribing the type face to be used in the printing of the *Canada Gazette*, regulating the subscription rates thereto and the rate for advertising therein, is hereby revoked, and the following provisions are hereby substituted therefor:

1. The type face now being used in the printing of the *Canada Gazette* shall soon as convenient be changed to Excelsior seven and one-half point face on eight point body.

2. The yearly subscription rates for the *Canada Gazette* shall, effective the 6th day of November, 1948, be as stated hereunder:

Part I	\$10.00
Part II (English or French edition).....	10.00
Part II (English and French editions).....	12.00

The price of single copies of Part I to be thirty cents each, and the price of single copies of Part II to be fifty cents each.

3. The rate for advertising in the *Canada Gazette* shall, effective the 6th day of November, 1948, be thirty cents per agate line; a charge of ten cents per line to be made for subsequent insertions.

Notice of the rates established by paragraphs 2 and 3 of this Order shall be published in the *Canada Gazette*.

PUBLIC SERVICE SUPERANNUATION ACT. (1953, c. 47)

	Page
1. <i>Public Service Superannuation Regulations</i>	2597
2. <i>Amendment, Public Service Superannuation Regulations</i> ..	2619

1. Public Service Superannuation Regulations

P.C. 1954-1843

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the Public Service Superannuation Act, is pleased to order as follows:

1. The Public Service Superannuation Regulations, established by Order in Council P.C. 1953-1863 of 3rd December, 1953, as amended, are hereby revoked; and

2. The annexed "Public Service Superannuation Regulations" are hereby made and established in substitution for the regulations hereby revoked.

Public Service Superannuation Act—continuedREGULATIONS MADE PURSUANT TO THE PUBLIC SERVICE
SUPERANNUATION ACT*Short Title*

1. These regulations may be cited as the *Public Service Superannuation Regulations*.

Interpretation

2. In these regulations,

- (a) “Act” means the *Public Service Superannuation Act*;
- (b) “*a(f)* Ultimate” and “*a(f)* and *a(m)* Ultimate” Tables mean the tables so entitled appearing in “the Mortality of Annuitants 1900-1920” published on behalf of the Institute of Actuaries and The Faculty of Actuaries in Scotland, 1924;
- (c) “department” includes any portion of the executive government of Canada, the Senate and House of Commons of Canada, the Library of Parliament and any Board, commission, corporation or portion of the Public Service of Canada specified in Schedule A to the Act;
- (d) “deputy head” includes the chairman, president or other chief executive officer of a department; and
- (e) “employee” includes an officer and clerk.

3. (1) For the purpose of paragraph (a) of section 2 of the Act,

- (a) “active service” is full-time service as a member of
 - (i) a component of the naval, army or air forces of Canada while that component was on active service having been placed on active service by the Governor in Council pursuant to the *Militia Act*, or
 - (ii) a component of the naval, army or air forces of Her Majesty other than the forces specified in subparagraph (i), or any of the Allies of Her Majesty, while members of that component were subject to service in a theatre of war; and
- (b) “veterans’ hospital” means, with respect to any person, any place where that person underwent, on an in-patient basis, or on an out-patient basis with allowances, treatment authorized by the Department of Veterans Affairs, the Department of Pensions and National Health or the Department of Soldiers’ Civil Re-establishment.

(2) For the purposes of the Act,

- (a) “prevailing rate employee” means a person
 - (i) whose remuneration is based on rates of pay prevailing in the area of his employment for the class of work he does, or
 - (ii) who is paid rates of pay based on rates of pay prevailing in any area in Canada for work comparable to the class of work he does,but does not include a person in receipt of a stated annual salary or a person to whom section 14 or 37 of the *Civil Service Act* applies; and
- (b) “seasonal employee” means a person who
 - (i) is certified in accordance with the *Civil Service Act* to be a seasonal employee, or
 - (ii) is appointed, at a stated annual salary, to perform duties for a period of less than twelve months in successive years of employment, but does not include a person who is appointed as a teacher at a school established under the *Indian Act*.

Public Service Superannuation Act—continued

4. (1) For the purposes of paragraph (b) of subsection (2) of section 4 of the Act, the kind of superannuation or pension benefit therein referred to is one that

- (a) is granted under the *Judges Act*, or
- (b) is payable out of the Consolidated Revenue Fund or out of any account or fund in the Consolidated Revenue Fund, other than the Superannuation Account or the Government Annuities Account, and which
 - (i) is related in amount to the period of service that may be counted by the person to whom the superannuation or pension benefit is payable, and
 - (ii) is payable in instalments during the lifetime of the recipient and thereafter if the superannuation or pension plan so provides.

(2) For the purposes of paragraph (a) of subsection (2) of section 7 of the Act, the kind of superannuation or pension benefit therein referred to is one that

- (a) is provided in whole or in part as a result of contributions of the employer,
- (b) is related in amount to the period of service that may be counted by the person to whom the superannuation or pension benefit is payable, and
- (c) is payable in instalments during the lifetime of the recipient and thereafter if the superannuation or pension plan so provides.

CONTRIBUTIONS TO THE SUPERANNUATION ACCOUNT

Payments By Instalments

5. (1) Where a contributor has elected to pay in instalments in respect of any period of service for which he has elected to pay into the Superannuation Account

- (a) the first instalment shall be due and payable at the end of the month of election and succeeding instalments monthly thereafter during the life of the contributor in equal amounts (except with respect to the last instalment which may be less in amount than the preceding instalments),
 - (i) the total number of instalments to be fully paid prior to the time when the contributor reaches sixty-five years of age if the first instalment is due and payable prior to the time the contributor reaches forty-five years of age, and
 - (ii) the total number of instalments to be fully paid within a period of twenty years if the first instalment is due and payable subsequent to the time the contributor reaches forty-five years of age,

computed in accordance with Canadian Life Table No. 2 (1941), Males or Females, as the case may be, with interest at the rate of four per cent per annum; and
- (b) he may from time to time amend his payment plan to provide for payment of the instalments still to be paid in a lump sum or by larger monthly instalments on a basis similar to that described in paragraph (a) calculated as of the date of the amendment.

Public Service Superannuation Act—continued

(2) Where a contributor defaults in respect of an instalment payable by him, the Minister shall forthwith demand payment from the contributor of the amount in default (except that where a contributor is on leave of absence without pay the Minister shall not make such a demand until he ceases to be on leave of absence without pay) and thereupon the amount in default, with interest as provided in subsection (5) to the date of demand, shall be payable,

- (a) in a lump sum immediately, or
- (b) in monthly instalments for the lesser of
 - (i) the life of the contributor, or
 - (ii) for the remainder of the period during which instalments under subsection (1) are to be paid,

as the contributor elects, the value of which, calculated as of the date of election of the contributor under this subsection, in accordance with Canadian Life Table No. 2 (1941), Males or Females, as the case may be, with interest at the rate of four per cent per annum, is the amount that is in default with interest to the date of demand; and if the contributor does not elect within thirty days from the date of the demand, he shall be deemed to have chosen the period specified in paragraph (b).

(3) Where a contributor ceases to be employed in the Public Service and becomes entitled to any benefit under the Act or is granted any benefit under the *Superannuation Act*, before the amount payable by him under this section is paid, recovery may be made at any time by retention by way of deduction or set-off out of the benefit payable to the contributor

- (a) in a lump sum immediately, or
- (b) in monthly instalments for the lesser of
 - (i) the life of the contributor, or
 - (ii) for the remainder of the period during which instalments under subsection (1) are to be paid

as the contributor elects, the value of which, calculated as of the date of election of the contributor under this subsection in accordance with Canadian Life Table No. 2 (1941), Males or Females, as the case may be, is the amount payable by him under this section with interest at the rate of four per cent per annum.

(4) Where at the death of a contributor any amount payable by him into the Superannuation Account is due and payable and is not paid the Minister shall, if the amount with interest as provided in this section is not forthwith paid by the personal representative of the contributor, demand payment from the widow and children, or one or more of them, of the contributor, to whom an allowance is payable under the Act and if the amount which is due and payable, with interest to the date of demand is not paid, recovery may be made at any time by retention, by way of deduction or set-off out of the allowance payable to the widow and children, or one or more of them,

- (a) in a lump sum immediately, or
- (b) if the amount can be paid in instalments within the period for which the allowance is payable, in instalments equal to or greater than those that would have been paid in respect thereof by the contributor if he had not died, the value of which, calculated as

Public Service Superannuation Act—continued

- (i) payable to the widow of the contributor, in accordance with a (f) Ultimate Table with interest at the rate of four per cent per annum, and
- (ii) payable to a child of the contributor, on the basis of interest at the rate of four per cent per annum without taking mortality into account,

is an amount equal to the said amount so payable with interest, as the recipient elects.

(5) Subject to subsection (6), where an amount that is payable by a contributor or a recipient is paid after the day on which it is due, there shall, in addition, be payable interest on that amount at the rate of four per cent per annum from the due date until the day on which it is paid or demand is made in accordance with this section for payment of the amount due, whichever first occurs.

(6) Notwithstanding anything in this section,

- (a) where the contributor or his personal representative or the recipient pays in full an amount that is due under this section before the expiration of thirty days from the due date, interest is not payable thereon, and
- (b) where, after a demand is made by the Minister under this section for payment of an amount including interest, that amount is paid in full before the expiration of thirty days from the date of demand, interest is not payable under subsection (5) with respect thereto.

(7) For the purposes of this section, a demand by the Minister for payment of an amount is deemed to have been made on the day on which a letter, demanding payment, signed by or on behalf of the Minister, and addressed to the contributor or recipient, as the case may be, is placed in the mail.

(8) Nothing in this section prohibits a person from paying at any time before it is due any amount payable by him, or that is deductible from his benefit, under this section.

While Absent on Leave Without Pay

6. (1) A contributor who is absent on leave without pay is required to contribute to the Superannuation Account in respect of any period during which he is so absent,

- (a) by making payments in accordance with subsection (2), or
- (b) by reservation from his salary in accordance with subsection (3), an amount equal to twice the amount that would be required to be paid by him under section 4 of the Act had he not been so absent, except
- (c) where the contributor is absent on leave without pay for a period not in excess of six consecutive days, or
- (d) where the deputy head of his department certifies to the Minister that the contributor is absent on leave without pay,
 - (i) for the purpose of undergoing training or instructions to the advantage of his department,
 - (ii) because of illness or disability that renders him unfit to pursue any substantially gainful employment, or
 - (iii) for the purpose of serving in the naval, army or air forces of Her Majesty, and does not become a contributor under the *Defense Services Pension Act*,

Public Service Superannuation Act—continued

the amount of the contributions required to be paid is the amount that would be required to be paid by him under section 4 of the Act had he not been so absent.

(2) The contributions required to be paid by a contributor to whom subsection (1) applies are payable to the Minister on the last day of each month in which the contributor is absent on leave without pay.

(3) Subject to subsection (4), where the contributions required to be paid by a contributor to whom subsection (1) applies are not paid in accordance with subsection (2), the amount of the contributions shall be reserved in equal instalments from the salary payable to the contributor, as it becomes payable, for a period commencing on the expiration of his leave of absence equal to the period during which he was absent on leave without pay, except

(a) where the deputy head of his department certifies to the Minister that the contributor is absent on leave without pay because of illness or disability that renders him unfit to pursue any substantially gainful employment, or

(b) where the Minister is of opinion that undue hardship may be caused to the contributor,

the Minister, in his discretion, may determine the period during which the contributions shall be reserved in equal amounts from the salary of the contributor.

(4) Notwithstanding anything in this section, a contributor may pay, at any time, prior to the expiration of the period referred to in subsection (3), in one lump sum, the amount payable by him into the Superannuation Account in respect of any period during which he is absent on leave without pay.

(5) When any amount payable by a contributor under this section is unpaid at the time he ceases to be employed in the Public Service, that amount shall be paid, out of any benefit that is or becomes payable under the Act to or in respect of the contributor,

(a) in a lump sum immediately the benefit becomes payable, or

(b) where the benefit is an annuity or annual allowance, by reservation therefrom in equal instalments for a period equal to that portion of the period referred to in subsection (3) during which no contributions were made by him as required by that subsection, as the recipient elects, and where he fails to elect if the benefit is an annuity or annual allowance, he shall be deemed to have chosen the method of payment described in paragraph (b).

(6) Where the annuity referred to in subsection (5) is a deferred annuity, interest shall be paid, on the amount payable under this section, at the rate of four per cent per annum.

(7) Notwithstanding anything in this section, where a contributor is absent from the Public Service on leave of absence without pay and because of paragraph (a) of subsection (2) of section 4 of the Act is prohibited from contributing to the Superannuation Account, he is deemed to have so contributed in respect of that absence in accordance with these regulations.

Public Service Superannuation Act—continued

By Corporations

7. A Public Service corporation or other corporation referred to in section 23 of the Act, which is, or may hereafter be, specified in Schedule C or Schedule D to the *Financial Administration Act*, and the Office of the Custodian of Enemy Property shall, from time to time as required by the Minister, pay into the Superannuation Account in respect of the contributions of an employee to the Superannuation Account in the course of his employment with the corporation, an amount determined by the Minister in accordance with the following provisions:

- (a) in the case of contributions of an employee in respect of any period of current service, an amount equal to the amount of contributions paid by the employee, unless the employee, in respect of any such period of service, contributes an amount equal to twice the amount that would be required to be paid by him under section 4 of the Act; and
- (b) in the case of contributions of an employee in respect of any period of elective service specified in paragraph (b) of subsection (1) of section 5 of the Act, an amount equal to the amount of contributions and interest paid by the employee, unless the employee, in respect of any such period of service, is required to contribute an amount equal to twice the amount that would be required to be paid by him in respect of a similar period of current service.

PENSIONABLE SERVICE

8. (1) For the purposes of clause (B) of subparagraph (ii) of paragraph (a) of subsection (1) of section 5 of the Act, where a contributor has contributed to the Retirement Fund prior to becoming a contributor under the Act, that portion of the period (as determined by the Minister) during which he so contributed shall be counted as non-elective service to the extent that the amount transferred from the Retirement Fund to the Superannuation Account will purchase, applied to that period of pensionable service which is most recent in point of time, calculated in accordance with paragraph (c) of subsection (1) of section 6 of the Act.

(2) The portion of the period of service which remains after the calculations provided for in this section are made may, pursuant to clause (B) of subparagraph (ii) of paragraph (b) of subsection (1) of section 5 of the Act, be counted by the contributor as pensionable service where he elects in accordance with the Act, to count the said service and the contributions payable by him in respect thereof shall be an amount calculated in accordance with paragraph (c) of subsection (1) of section 6 of the Act.

(3) For the purpose of making the calculations provided for in this section "interest" has the same meaning as that word has in subsection (2) of section 6 of the Act.

9. The pensionable service of a contributor shall not include a period of service specified in clause (C) of subparagraph (iii) of paragraph (a) of subsection (1) of section 5 of the Act unless it is a period during which the contributor, being a person who became a contributor under the *Superannuation Act* prior to the 11th day of August, 1939, and who has,

Public Service Superannuation Act—continued

since that date, continued to be a contributor, and was, while a permanent officer, clerk, or employee in the Civil Service within the meaning of the *Superannuation Act*, on leave of absence without pay prior to the 14th day of April, 1927.

Elections

10. Every election made by a contributor under these regulations shall be made by him while employed in the Public Service and shall be evidenced in writing, in a form prescribed by the Minister, and witnessed, and the original thereof shall be forwarded to the Minister within the time prescribed by these regulations for the making of the election or, in the case of an election that may be made by the contributor at any time before he ceases to be employed in the Public Service, within one month from the time of making the election.

11. Where a contributor has elected to pay for any portion of a period of service specified in clause (A) or (B) of subparagraph (i) of paragraph (b) of subsection (1) of section 5 of the Act, the portion of the period, for which he has elected to pay is deemed to be the most distant in point of time.

12. Any person to whom subsection (5) of section 35 of the Act applies may make any election, exercise any option or do any other act specified in subsection (8) of that section, if he makes the election, exercises the option or does the other act within one year from the time the Act comes into force.

SALARY IN SPECIAL CASES*Prevailing Rate Employees*

13. (1) For the purposes of section 6 of the Act, the salary of a prevailing rate employee shall be computed in terms of an annual rate by multiplying the rate of pay according to which he is, or was, in fact paid

- (a) in the case of an hourly rate, by the aggregate of
 - (i) the number of hours in a relevant standard work week multiplied by fifty-two, and
 - (ii) the number of hours in a relevant standard work week divided by the number of days in a relevant standard work week;
- (b) in the case of a daily rate, by
 - (i) two hundred and fifty-nine, if he is, or was, employed on a five-day work week, or
 - (ii) three hundred and eleven, if he is, or was, employed on a work week other than a five-day work week;
- (c) in the case of a weekly rate, by fifty-two; or
- (d) in the case of a monthly rate, by twelve.

(2) Any period of elective service specified in paragraph (b) of subsection (1) of section 5 of the Act for which a prevailing rate employee has elected to pay, shall be computed as follows:

- (a) in the case of a prevailing rate employee who, during any relevant period, is, or was, paid at an hourly rate, by dividing the total number of hours in respect of which he contributed to the Superannuation Account by the aggregate of

Public Service Superannuation Act—continued

- (i) the number of hours in a relevant standard work week multiplied by fifty-two, and
- (ii) the number of hours in a relevant standard work week divided by the number of days in a relevant standard work week;
- (b) in the case of a prevailing rate employee who, during any relevant period, is, or was, paid at a daily rate, by dividing the total number of days in respect of which he contributed to the Superannuation Account by
 - (i) two hundred and fifty-nine, if he is, or was, employed on a five-day work week, or
 - (ii) three hundred and eleven, if he is, or was, employed on a work week other than a five-day work week;
- (c) in the case of a prevailing rate employee who, during any relevant period, is, or was, paid at a weekly rate, by dividing the total number of weeks in respect of which he contributed to the Superannuation Account by fifty-two; or
- (d) in the case of a prevailing rate employee who, during any relevant period, is, or was, paid at a monthly rate, by dividing the total number of months in respect of which he contributed to the Superannuation account by twelve.

(3) A prevailing rate employee shall, subject to the Act, contribute to the Superannuation Account at the rates specified in subsection (1) of section 4 of the Act by reservation from the salary actually payable to him at the time such salary becomes payable.

(4) Where a prevailing rate employee contributes to the Superannuation Account in accordance with subsection (3), he shall be credited with the service in respect of which he has so contributed.

(5) For the purposes of this section "standard work week" means the number of hours a prevailing rate employee is, or was, ordinarily required to work in a work week as determined by the Treasury Board.

Annual Salary in Cases of Doubt

14. (1) In any case of doubt, the amount that is deemed for the purposes of the Act to be the annual salary of a contributor,

- (a) who as a light-keeper is, or was, required for any period to provide for assistance out of his salary, is an amount determined in accordance with Schedule I; and
- (b) whose authorized salary includes any bonus or allowance of determinate or indeterminate amount, is,
 - (i) in the case of a contributor who was a member of the Royal Canadian Mounted Police before becoming a contributor under the Act, an amount equal to the aggregate of the salary actually received by him in the year together with the allowances for the year computed in accordance with subsection (2), and
 - (ii) in any other case, the amount that is determined to be the regular remuneration payable for services performed in his continuing position, and its value is fixed for the purposes of the Act by the Treasury Board after consultation with the Civil Service Commission.

Public Service Superannuation Act—continued

(2) For the purposes of subparagraph (i) of paragraph (b) of subsection (1), the allowances referred to therein shall be computed in the following manner:

- (a) in the case of service prior to the 1st day of June, 1949, if the rank held by the contributor is a rank specified in the basic order, the allowances shall be the proportion of the allowances specified in the basic order for that rank that the daily rate of pay actually received by him bears to the rate of pay authorized for that rank on the 8th day of September, 1934;
- (b) in the case of service prior to the 1st day of June, 1949, if the rank held by the contributor is not a rank specified in the basic order, the allowances shall be the proportion of the allowances specified in the basic order for the next higher rank that the daily rate of pay actually received by him bears to the rate of pay authorized for the next higher rank on the 16th day of August, 1934; and
- (c) in the case of service after the 31st day of May, 1949, the allowances shall be those specified in the final order.

(3) In this section, “basic order” means Order in Council P.C. 168/1852 of the 16th day of August, 1934, as it existed on that day, and “final order” means Order in Council P.C. 142/2540 of the 18th day of May, 1949.

EFFECTIVE DATES OF BECOMING AND CEASING TO BE EMPLOYED
IN THE PUBLIC SERVICE

15. (1) For all purposes of the Act, except the commencement of the period within which an election may be made, the effective date upon which a person becomes employed in the Public Service is the first day (whether on, before or after the day on which the instrument appointing him was issued or other act appointing him was done) for which he receives remuneration in respect of that employment, but a person who is engaged in the Public Service, otherwise than on a fulltime basis shall not, by reason of the fact that he received remuneration in respect thereof, be considered, by this subsection, to be employed in the Public Service.

(2) The effective date upon which a person ceases to be employed in the Public Service is as follows:

- (a) where he ceases to be employed pursuant to a written instrument dismissing or removing him from the employment or accepting his resignation, the effective date is the date expressed in the instrument to be the effective date or, if no date is so expressed, the date on which the instrument is issued; and
- (b) where paragraph (a) does not apply, the effective date is
 - (i) the day following the last day for which he receives remuneration in respect of employment in the Public Service, unless that day is a day when he was on leave of absence without pay, but if he was on leave of absence without pay and became a contributor under the *Defence Services Pension Act*, the effective date is the day he became such a contributor, or
 - (ii) in the case of a person appointed for a term, the day following the end of the term or the day following the last day for which he receives remuneration in respect of that employment, whichever is earlier.

Public Service Superannuation Act—continued**WHEN PERSONS CEASE TO BE EMPLOYED**

16. (1) In this section, “contributor”, unless otherwise specified, does not include a deputy head.

(2) Subject to this section, a contributor and a deputy head cease to be employed in the Public Service upon attaining sixty-five years of age.

(3) A deputy head, who has attained sixty-five years of age, may continue to be employed in the Public Service thereafter from year to year if, prior to each anniversary of his birthday, the Prime Minister approves, in writing, that the deputy head continue to be so employed.

(4) A contributor, who has attained sixty-five years of age and is authorized to be paid salary computed at an annual rate of less than nine thousand dollars, may continue to be employed in the Public Service until he attains seventy years of age if, prior to the date on which the contributor would cease to be so employed, the deputy head of his department, with the specific or general authority of the appropriate Minister, approves, in a form prescribed by the Minister, that the contributor continue to be so employed.

(5) A contributor, who is employed in the Public Service after having attained sixty-five years of age and at any time before he attains seventy years of age is authorized to be paid salary computed at an annual rate of nine thousand dollars or more, ceases to be employed on the anniversary of his birthday immediately following the date when he is authorized to be paid such salary.

(6) A contributor, who has attained sixty-five years of age and is authorized to be paid salary computed at an annual rate of nine thousand dollars or more, or a contributor to whom subsection (5) applies, may continue to be employed in the Public Service from year to year until he attains seventy years of age if, prior to each anniversary of his birthday, the deputy head of his department, in a form prescribed by the Minister, recommends to, and the recommendation is approved, prior to each such anniversary, by a committee of five members who are appointed from time to time by the Treasury Board, that the contributor continue to be so employed.

(7) For the purposes of subsections (4), (5) and (6), the effective date on which a contributor is authorized to be paid salary is deemed to be as follows:

(a) where he is authorized to be paid salary from a date prior to the date of the authorization, the effective date is the date of the authorization, and

(b) where paragraph (a) does not apply, the effective date is the first day in respect of which he is paid that salary.

(8) A contributor, who has attained seventy years of age, may continue to be employed in the Public Service thereafter from year to year if,

(a) prior to each anniversary of his birthday, the deputy head of his department, in a form prescribed by the Minister, recommends to the Treasury Board that the contributor continue to be so employed,

(b) not less than thirty days prior to each such anniversary, the contributor is certified by a qualified medical practitioner to be physically fit to continue to be so employed, and

Public Service Superannuation Act—continued

(c) prior to each such anniversary, the recommendation referred to in paragraph (a) is approved by the Treasury Board.

(9) Notwithstanding anything in this section, a contributor or a deputy head, who is employed in the Public Service and has attained sixty years of age, may be required to undergo a medical examination at any time.

(10) All medical examinations required by this section shall be conducted by a qualified medical practitioner under the supervision of the Department of National Health and Welfare and without expense to the contributor.

(11) Notwithstanding anything in this section, a deputy head may, at any time, for reason only of age, terminate the employment of a contributor who has attained sixty years of age, if the deputy head gives to the contributor at least six months notice of termination of employment.

(12) Notwithstanding anything in this section, a contributor or a deputy head may continue to be employed in the Public Service, after he attains any age mentioned in this section, for the period when he is on retiring leave.

(13) Where the service in the Civil Service of a contributor or a deputy head was extended, pursuant to section 12 of the *Superannuation Act*, beyond the 31st day of December, 1953, and he has continued to be employed in the Public Service, he continues, subject to this section, to be so employed as if his employment had been continued in accordance with this section.

PERSONS RE-EMPLOYED

17. (1) For the purposes of paragraph (a) of section 16 of the Act, every person who performs the duties of an office or position or performs services the remuneration for which is payable, in whole or in part, out of the Consolidated Revenue Fund, or by an agent of Her Majesty in right of Canada, is deemed to be employed in the Public Service, and for greater certainty, but without restricting the generality of the foregoing, a person is deemed, for the purposes of that paragraph, to be employed in the Public Service while he is

- (a) an employee in the Civil Service as defined in the *Civil Service Act*,
- (b) an employee or member of a board, commission, corporation or portion of the Public Service specified in Schedule A to the Act,
- (c) an employee of the Bank of Canada or Central Mortgage and Housing Corporation,
- (d) the Lieutenant-Governor of a province,
- (e) a member of the Senate,
- (f) a judge of any court referred to in the *Judges Act*, or
- (g) a member of the naval, army or air forces of Canada or the Royal Canadian Mounted Police.

(2) A person who performs services as an independent contractor is not deemed to be employed in the Public Service for the purposes of paragraph (a) of section 16 of the Act.

Public Service Superannuation Act—continued

EMPLOYMENT SUBSTANTIALLY WITHOUT INTERRUPTION

18. (1) Where, during any relevant period,
- (a) a person has ceased to be employed in the Public Service and has again become employed therein, or
 - (b) the duties or conditions of employment of a person employed in the Public Service have altered,

his service during that period is deemed to be substantially without interruption (or substantially continuous) within the meaning of the Act unless this subsection is, by subsection (2), (3), (4) or (5), declared not to apply in respect of that period.

(2) Subsection (1) does not apply for the purposes of paragraph (c) of subsection (1) of section 4 of the Act in respect of the relevant period where an employee, during that period,

- (a) ceased to be employed in the Public Service by reason of his being absent without leave, resignation or dismissal for misconduct or inefficiency,
- (b) ceased to be employed in the Public Service for a reason other than a reason specified in paragraph (a) and did not again become employed therein within three months from the day on which he so ceased to be employed, or
- (c) was absent on leave without pay for the purpose of serving in the naval, army or air forces of Canada and was, while so serving, a contributor under the *Defence Services Pension Act*.

(3) Subsection (1) does not apply for the purposes of clause (D) of subparagraph (iii) of paragraph (a) of subsection (1) of section 5 of the Act in respect of the relevant period where an employee, during that period,

- (a) being a contributor under the *Superannuation Act* ceased to be a contributor, or
- (b) being required to contribute in accordance with subsection (1) of section 4 of the Act ceased to be so required to contribute.

(4) Subsection (1) does not apply for the purposes of section 10 of the Act in respect of the relevant period where an employee, during that period, ceased to be employed in the Public Service for a continuous period exceeding one day.

(5) Subsection (1) does not apply for the purposes of section 18 of the Act in respect of the relevant period where an employee, during that period,

- (a) ceased to be employed in the Public Service by reason of his being absent without leave, resignation or dismissal for misconduct or inefficiency,
- (b) ceased to be employed in the Public Service for a reason other than a reason specified in paragraph (a) and did not again become employed therein within three months from the day on which he so ceased to be employed,
- (c) was absent on leave without pay for the purpose of serving in the naval, army or air forces of Canada and was, while so serving, a contributor under the *Defence Services Pension Act*, or
- (d) was absent on sick leave without pay for a continuous period exceeding one day.

Public Service Superannuation Act—continued**BENEFITS***Payments Otherwise than by Monthly Instalments*

19. Where a contributor or a recipient requests that an annuity or annual allowance be paid otherwise than in equal monthly instalments, or where the Minister is of opinion that the payment of an annuity or annual allowance in equal monthly instalments is not practicable, the Minister may direct, if such direction does not result in the payment of an aggregate amount greater than the aggregate amount of equal monthly instalments otherwise payable in accordance with subsection (2) of section 8 of the Act, that the annuity or annual allowance be paid in arrears

- (a) in equal instalments quarterly or semi-annually, or
- (b) annually.

Benefits Capitalized

20. (1) Where an annuity or annual allowance may, pursuant to the Act, be capitalized, the capitalized value shall be computed, where the contributor ceases to be employed in the Public Service by reason of

- (a) age, according to the bases set out in *a(f)* and *a(m)* Ultimate Table with interest at the rate of four per cent per annum; and
- (b) illness, according to the mortality basis set out in the Actuarial Report on the Superannuation Account, 1947, with interest at the rate of four per cent per annum.

(2) For the purposes of paragraph (b) of subsection (1), the mortality basis set out in the Actuarial Report on the Superannuation Account, 1947, means the select mortality rates derived from the 1924-1947 experience of Civil Service ill-health pensioners for use in the 1947 valuation of the Superannuation Account, examples of which appear on page 9 of the "Report on Actuarial Examination of the Superannuation Account in the Consolidated Revenue Fund for the period March 31, 1931 to December 31, 1947".

Actuarial Equivalent

21. For the purposes of paragraph (c) of subsection (1) of section 11 of the Act, the actuarial equivalent of a deferred annuity shall be determined according to Schedule II.

Persons Engaged Otherwise than on Full-time Basis

22. (1) Any contributor, to whom paragraph (b) of subsection (2) of section 9 of the Act applies, who elected to count as pensionable service any period of elective service specified in clause (A) of subparagraph (i) of paragraph (b) of subsection (1) of section 5 of the Act, or who elects to count as pensionable service any period of elective service specified in clause (B) of that subparagraph who

- (a) immediately prior to his enlistment in the forces was engaged in the Public Service otherwise than on a full-time basis, or
 - (b) was employed in the Public Service immediately prior to his enlistment in the forces during either World War I or World War II but was not so employed immediately prior to his enlistment in the forces during the other war and subsequent to his period of active service in the forces during the other said war was engaged in the Public Service otherwise than on a full-time basis,
- shall be deemed, for the purpose of paragraph (b) of subsection (2) of section 9 of the Act, to have been, while so engaged,

Public Service Superannuation Act—continued

- (c) employed in the Public Service, and
- (d) to have received salary at a rate equal to the rate of salary authorized, at the relevant time, to be paid to a person holding, or performing the duties of, the full-time position in the Public Service which most nearly corresponds to the position held by the contributor as determined by the Treasury Board.

(2) Any contributor to whom subparagraph (ii) of paragraph (c) of subsection (2) of section 9 of the Act applies or any contributor who has to his credit pensionable service that includes a period during which he was on active service in the forces during World War I or World War II, not having been employed in the Public Service immediately prior to his enlistment, who elected to count as pensionable service any period of elective service specified in clause (A) of subparagraph (i) of paragraph (b) of subsection (1) of section 5 of the Act, or who elects to count as pensionable service any period of elective service specified in clause (B) of that subparagraph and who, upon subsequently becoming employed in the Public Service, is engaged therein otherwise than on a full-time basis, shall be deemed, for the purposes of paragraph (c) of subsection (2) of section 9 of the Act, to have been, while so engaged,

- (a) employed in the Public Service, and
- (b) to have received salary at a rate equal to the rate of salary authorized, at the relevant time, to be paid to a person holding, or performing the duties of, the full-time position in the Public Service which most nearly corresponds to the position held by the contributor as determined by the Treasury Board.

(3) Any contributor who elected to count as pensionable service any period of elective service, specified in clause (A) of subparagraph (i) of paragraph (b) of subsection (1) of section 5 of the Act, or who elects to count as pensionable service any period of elective service, specified in clause (B) of that subparagraph, during which he was engaged, otherwise than on a full-time basis, as a postmaster in a revenue post office or as an assistant to a postmaster in a revenue post office, shall be deemed, for the purposes of subsection (1) of section 9 of the Act and for the purposes of paragraphs (b) and (c) of subsection (2) of that section of the Act, to have been, while so engaged, employed in the Public Service if, in the case of an assistant to a postmaster in a revenue post office, the Deputy Postmaster General certifies, on a form prescribed by the Minister, that

- (a) he was not a personal employee of the postmaster, and
- (b) his employment as an assistant to the postmaster was necessary to ensure the operation of the office in accordance with the ordinary standards of the postal service, having regard to the volume of work undertaken by the office from time to time.

(4) A contributor to whom subsection (3) applies shall be deemed, for the purposes specified therein, to have received, at the relevant time, salary at a rate certified by the Deputy Postmaster General to be the appropriate rate at which salary would have been payable to the contributor from time to time during his employment as a postmaster in a revenue post office or as an assistant to a postmaster in a revenue post office, in accordance with the relevant schedule of salaries in force at the time the contributor made the election to count the pensionable service referred to in subsection (3).

Public Service Superannuation Act—continued*Payments to Widow and Children*

23. Where a child is born to a contributor after that contributor ceased to be employed in the Public Service, the child is not entitled to an allowance under the Act unless,

- (a) where the contributor ceased to be employed because of death, the child is a posthumous child, and
- (b) where the contributor ceased to be employed for any reason other than death, it appears to the Minister that the child was born following a gestation period commencing prior to the date when the contributor ceased to be employed.

24. (1) Where the age of a contributor,

- (a) in the case of a person who was, immediately prior to the coming into force of the Act and continued to be up to the date of his death, an employee of the National Harbours Board to whom the pension plan of the Board applied, who married after the 21st day of May, 1943, or
- (b) in the case of any other person who married after the 19th day of July, 1924,

exceeds the age of his wife by twenty years or more, the allowance to which she, as the widow of the contributor, may be entitled under the Act shall be reduced so that the ratio of the reduced allowance to the allowance is equal to the ratio of the value of a life annuity of one dollar per annum to a person aged twenty years less than the contributor at the date of his death to the value of a life annuity of one dollar per annum to a person of the age of the widow at that date.

(2) For the purposes of subsection (1), the value of a life annuity of one dollar per annum shall be calculated in accordance with *a(f)* Ultimate Table with interest at the rate of four per cent per annum.

Contributor Convicted of Indictable Offence

25. Where a contributor is convicted of an indictable offence committed by him while employed in the Public Service, if the Treasury Board is of opinion that the commission of the offence by the contributor constituted misconduct in office, any annuity or annual allowance payable under the Act to or in respect of the contributor shall be reduced by such amount as the Treasury Board, in its discretion, considers appropriate.

Transferred Pensionable Newfoundland Employees

26. (1) Where a contributor to whom subsection (2) of section 21 of the Act applies ceases to be employed in the Public Service, not having reached sixty-five years of age, or in the case of a female contributor not having reached sixty years of age, the amount of any benefit payable to the contributor under the Act, other than return of contributions, shall be adjusted until such time as the contributor, in the case of a male, reaches sixty-five years of age, and in the case of a female, reaches sixty years of age as follows:

- (a) if any contributor not having reached sixty years of age ceases to be employed for any reason other than disability or abolition of post, or
- (b) if any male contributor having reached sixty years of age but not having reached sixty-five years of age, ceases to be employed for any reason other than disability or abolition of post,

Public Service Superannuation Act—continued

only that proportion of the benefit to which he would be entitled if he were not a transferred pensionable Newfoundland employee that his Canadian service is of his total pensionable service shall be payable to him.

(2) In this section,

- (a) "abolition of post" has the same meaning as that expression has in the *Newfoundland Act*; and
- (b) "Canadian service" means any period of service, other than Newfoundland service, that may be counted as pensionable service for the purposes of the Act.

MEDICAL EXAMINATION

27. (1) Any medical examination referred to in section 18 of the Act shall be conducted, and a report concerning such medical examination shall be made, in accordance with a form prescribed by the Minister.

(2) A report in accordance with a form prescribed by the Minister concerning each medical examination undergone in accordance with subsection (1) shall be made to the Minister as soon as practicable after the medical examination is conducted.

(3) A contributor, before becoming entitled to an annuity or annual allowance under the Act in respect of a disability, shall undergo a medical examination.

(4) A contributor who

(a) is less than sixty years of age, and

(b) is in receipt of an annuity or annual allowance payable under the Act in respect of a disability previously incurred by him, shall undergo medical examinations, until he reaches sixty years of age, at such times and at such places as the Minister may determine.

(5) A report in accordance with a form prescribed by the Minister concerning each medical examination undergone by a contributor to whom subsection (3) or (4) applies shall be made to the Minister as soon as practicable after the medical examination is conducted.

SUCCESSION DUTIES

28. (1) Where upon the death of a contributor any allowance becomes payable under the Act to a successor, application in writing may be made, by or on behalf of the successor, to the Minister for payment out of the Superannuation Account of the whole or any part of the portion of the succession duties, payable by that successor, which is attributable to the said allowance and where the Minister directs, in accordance with the application that the whole or any part of the portion of the succession duties so payable be paid out of the Superannuation Account, the maximum portion of the succession duties which may be so paid out is the proportion which

(a) the value of the allowance payable to the successor is of

(b) the value of the whole estate

calculated for the purposes of determining the succession duties payable in respect thereof.

(2) Where the Minister make a direction in accordance with subsection (1), if the allowance payable to the successor is payable in instalments, monthly, quarterly or semi-annually or in an annual amount, the

Public Service Superannuation Act—continued

allowance shall be reduced either for a term, requested by the successor in the application made under subsection (1), or during the entire period for which the allowance is payable, if the successor fails to make a request in the application under subsection (1) that the allowance be reduced for a term,

- (a) where the allowance is payable in monthly instalments, by one-twelfth of an amount,
- (b) where the allowance is payable in quarterly instalments, by one-quarter of an amount,
- (c) where the allowance is payable in semi-annual instalments, by one-half of an amount, and
- (d) where the allowance is payable annually, by the whole of an amount,

determined by dividing the amount of the succession duties to be paid out of the Superannuation Account by the value of an annuity of one dollar per annum, payable monthly, quarterly, semi-annually or annually as the allowance is payable, to a person of the age of the successor at the date of payment of the succession duties out of the Superannuation Account, calculated,

- (e) in the case of an allowance payable to the widow of the contributor, in accordance with *a(f)* Ultimate Table with interest at the rate of four per cent per annum, and
- (f) in the case of an allowance payable to a child of the contributor, at an interest rate of four per cent per annum and mortality shall not be taken into account.

(3) Where the allowance of a successor is to be, or is being reduced under this section and the successor being the widow of a contributor, remarries, and requests that the payment provided in subsection (2) of section 12 of the Act be made to her, the payment shall be reduced by the present value of the deductions, which would have been made from the allowance if the allowance had continued to be payable in the same manner as it was prior to her remarriage.

(4) For the purposes of subsection (3), "the present value of the deductions" is the present value of a life annuity of the amount of the deduction calculated as of the age of the widow at the date of her remarriage, in accordance with *a(f)* Ultimate Table with interest at the rate of four per cent per annum.

WHERE BOARD, COMMISSION OR CORPORATION HAS SEPARATE
PENSION PLAN

National Harbours Board

29. (1) An employee of the National Harbours Board to whom the pension plan of the Board applied at the commencement of the Act is deemed to be or to have been a contributor under Part I of the *Superannuation Act* and any period of service in Board employ to his credit under the pension plan is deemed to be or to have been pensionable service for the purposes of the Act.

(2) An employee of the Board to whom the pension plan of the Board applied at the commencement of the Act who, before the Act came into force, elected to count any period of service as service in Board employ

Public Service Superannuation Act—continued

for the purposes of the pension plan is required to pay, in respect thereof, an amount that he would have been required to pay under the pension plan had the pension plan continued in force.

(3) An employee of the Board to whom the pension plan of the Board applied at the commencement of the Act who could have elected, under the pension plan, to pay for any period of service that might have been counted as service in Board employ for the purposes of the pension plan had he elected to count that service, but failed to do so within the time prescribed therefor, may, for the purposes of the Act, elect to count that period of service as pensionable service as if it were a period of service for which he might have elected to pay under Part I of the *Superannuation Act*.

(4) An employee of the Board, to whom the pension plan of the Board applied at the commencement of the Act, may elect to pay for any period of service for which he might have elected, under the provisions of the pension plan of the Board in force immediately prior to the coming into force of the Act to pay, as if it were a period of service for which he might have elected to pay under Part I of the *Superannuation Act*.

(5) Any direction made by the Treasury Board under clause 16 of the pension plan of the Board is deemed, for the purposes of section 31 to be, or to have been, made by the Treasury Board under subsection (1) of section 14 of the *Superannuation Act*.

(6) The balance to the credit of the National Harbours Board Pension Fund, including contributions made under the provisions of the pension plan of the Board, contributions made by or on behalf of the Board and accrued interest, shall, at the commencement of the Act, be transferred to the Superannuation Account and any allowance being paid out of the Pension Fund at the time of transfer shall continue to be paid out of the Superannuation Account.

MISCELLANEOUS

30. For the purposes of subsection (2) of section 19 of the Act, the notice referred to therein shall be in Form A.

31. Any direction made by the Treasury Board under subsection (1) of section 14 of the *Superannuation Act*, which is outstanding at the time the Act comes into force, shall continue to have full force and effect in the circumstances contemplated by subsection (1) of section 14 of the *Superannuation Act*, but any such direction shall be subject to modification or suspension by the Treasury Board for any reason that to the Board seems proper.

32. Interest shall be credited to the Superannuation Account on the last day of each quarter in every fiscal year, namely, on the 30th day of June, on the 30th day of September, on the 31st day of December and on the 31st day of March, respectively, calculated at the rate of one per cent of the balance to the credit of the Account on the last day of the preceding quarter.

33. For greater certainty, the Office of the Commissioner of Penitentiaries shall be deemed to form part of the Public Service and Part II of Schedule A to the Act is amended by adding thereto the said Office of the Commissioner of Penitentiaries.

Public Service Superannuation Act—continued

34. The Minister, in any case in which he deems it necessary or advisable in connection with the administration of the Act or these regulations, may require any person to submit to him a statutory declaration setting out the facts which the Minister considers relevant in that case.

SUPPLEMENTARY DEATH BENEFITS

Crown Corporations and Public Boards excluded

35. The Crown corporations and public boards specified in Schedule III are excluded from the operation of Part II of the Act.

Schedule I

A lightkeeper who has been or is required to provide for assistance out of his salary shall be deemed for the purposes of section 14 to have received

(a) before April 1, 1919, the following percentage of the salary actually received by him:

Class 1 (Belle Isle, S.W. Estevan Point, Len- nard Island, Pachena and Langara)	40%
(Belle Isle, N.E. Bird Rocks, Pelee Passage)	50%
Class 2	60%
Class 3	80%
Class 4	75%
Class 5	80%

(b) between April 1, 1919, and March 1, 1927, the following salary:

Classes 1, 2, 2A and 3	\$1,500.00
Classes 4 and 5	1,380.00

(c) between April 1, 1927, and August 31, 1946, the following salary:

Classes 1, 2, 2A and 3	1,620.00
Classes 4 and 5	1,500.00

(d) between September 1, 1946, and September 30, 1947, the following salary:

Classes 1, 2, 2A and 3	1,920.00
Classes 4 and 5	1,800.00

(e) between October 1, 1947, and September 30, 1948, the following salary:

Classes 1, 2, 2A and 3	2,040.00
Classes 4 and 5	1,920.00

(f) between October 1, 1948, and November 30, 1950, the following salary:

Classes 1, 2, 2A and 3	2,160.00
Classes 4 and 5	2,040.00

(g) between December 1, 1950, and the day that the maximum salary is increased, the following salary:

Classes 1, 2, 2A and 3	2,436.00
Classes 4 and 5	2,292.00

Public Service Superannuation Act—continued

Schedule II

Males				Females			
Age	Actuarial Equivalent	Age	Actuarial Equivalent	Age	Actuarial Equivalent	Age	Actuarial Equivalent
50	459.55	55	662.02	50	500.50	55	695.42
1/12	462.21	1/12	666.31	1/12	503.14	1/12	699.43
2/12	464.88	2/12	670.62	2/12	505.79	2/12	703.46
3/12	467.58	3/12	674.98	3/12	508.47	3/12	707.52
4/12	470.30	4/12	679.37	4/12	511.16	4/12	711.62
5/12	473.03	5/12	683.80	5/12	513.87	5/12	715.74
6/12	475.79	6/12	688.27	6/12	516.59	6/12	719.90
7/12	478.57	7/12	692.78	7/12	519.34	7/12	724.08
8/12	481.37	8/12	697.33	8/12	522.10	8/12	728.30
9/12	484.19	9/12	701.91	9/12	524.88	9/12	732.55
10/12	487.04	10/12	706.54	10/12	527.68	10/12	736.83
11/12	489.90	11/12	711.20	11/12	530.50	11/12	741.14
51	492.79	56	715.91	51	533.34	56	745.49
1/12	495.70	1/12	720.66	1/12	536.20	1/12	749.87
2/12	498.63	2/12	725.45	2/12	539.07	2/12	754.28
3/12	501.58	3/12	730.28	3/12	541.97	3/12	758.73
4/12	504.56	4/12	735.15	4/12	544.88	4/12	763.21
5/12	507.56	5/12	740.07	5/12	547.82	5/12	767.72
6/12	510.58	6/12	745.03	6/12	550.77	6/12	772.27
7/12	513.63	7/12	750.03	7/12	553.75	7/12	776.86
8/12	516.70	8/12	755.08	8/12	556.74	8/12	781.48
9/12	519.80	9/12	760.17	9/12	559.76	9/12	786.14
10/12	522.91	10/12	765.31	10/12	562.80	10/12	790.83
11/12	526.06	11/12	770.50	11/12	565.85	11/12	795.56
52	529.22	57	775.73	52	568.93	57	800.32
1/12	532.42	1/12	781.00	1/12	572.03	1/12	805.13
2/12	535.64	2/12	786.33	2/12	575.15	2/12	809.97
3/12	538.88	3/12	791.70	3/12	578.29	3/12	814.84
4/12	542.15	4/12	797.13	4/12	581.46	4/12	819.76
5/12	545.44	5/12	802.60	5/12	584.64	5/12	824.72
6/12	548.76	6/12	808.12	6/12	587.85	6/12	829.71
7/12	552.11	7/12	813.69	7/12	591.08	7/12	834.75
8/12	555.49	8/12	819.31	8/12	594.33	8/12	839.82
9/12	558.89	9/12	824.98	9/12	597.61	9/12	844.94
10/12	562.32	10/12	830.71	10/12	600.90	10/12	850.09
11/12	565.77	11/12	836.49	11/12	604.22	11/12	855.29
53	569.26	58	842.32	53	607.57	58	860.53
1/12	572.77	1/12	848.21	1/12	610.94	1/12	865.81
2/12	576.31	2/12	854.14	2/12	614.33	2/12	871.13
3/12	579.88	3/12	860.14	3/12	617.74	3/12	876.50
4/12	583.48	4/12	866.19	4/12	621.18	4/12	881.91
5/12	587.11	5/12	872.30	5/12	624.65	5/12	887.36
6/12	590.76	6/12	878.46	6/12	628.14	6/12	892.86
7/12	594.45	7/12	884.68	7/12	631.65	7/12	898.41
8/12	598.17	8/12	890.96	8/12	635.19	8/12	904.00
9/12	601.92	9/12	897.30	9/12	638.75	9/12	909.63
10/12	605.69	10/12	903.70	10/12	642.34	10/12	915.31
11/12	609.50	11/12	910.16	11/12	645.96	11/12	921.04
54	613.35	59	916.69	54	649.60	59	926.81
1/12	617.22	1/12	923.27	1/12	653.27	1/12	932.64
2/12	621.12	2/12	929.91	2/12	656.96	2/12	938.51
3/12	625.06	3/12	936.62	3/12	660.69	3/12	944.43
4/12	629.03	4/12	943.40	4/12	664.43	4/12	950.40
5/12	633.04	5/12	950.24	5/12	668.21	5/12	956.42
6/12	637.07	6/12	957.14	6/12	672.01	6/12	962.49
7/12	641.15	7/12	964.11	7/12	675.84	7/12	968.61
8/12	645.25	8/12	971.15	8/12	679.70	8/12	974.78
9/12	649.39	9/12	978.26	9/12	683.59	9/12	981.01
10/12	653.57	10/12	985.44	10/12	687.51	10/12	987.28
11/12	657.78	11/12	992.68	11/12	691.45	11/12	993.62

Age: The age to the nearest month of a contributor at the effective date of his actuarially equivalent allowance.

Actuarial Equivalent: The annual amount of allowance commencing at a given age and payable for life which is equal in value at that age to an annual amount of annuity of \$1,000 payable at age 60 for life.

Public Service Superannuation Act—continued

Schedule III

Crown Corporations and Public Boards Excluded from the operation of Part II of the Act.

Canadian Arsenals Limited
Canadian Broadcasting Corporation
Canadian Overseas Telecommunication Corporation
Crown Assets Disposal Corporation
Eldorado Aviation Limited
Eldorado Mining and Refining Limited
Northern Transportation Company Limited
Polymer Corporation Limited.

Form A

SUPERANNUATION BRANCH
Department of Finance
Public Service Superannuation Act

Superannuation Number

NOTICE OF COURT ORDER

Applicable to subsection (2) of section 19
of the Public Service Superannuation Act

COURT	PROVINCE	DATE OF ORDER
Name of Recipient	Amount and Method of Payment	
	Lump Sum <input type="checkbox"/> \$..... or <input type="checkbox"/> \$..... per.....	
Name of Dependent	Relationship of Dependent to Recipient	

Statute or other Authority under which Order was made

THE MINISTER OF FINANCE,
OTTAWA, CANADA

In compliance with the above-mentioned order, (a certified copy of which is attached hereto), and pursuant to subsection (2) of section 19 of the Public Service Superannuation Act, I hereby request that you pay the amount specified herein to the above-named dependent by deductions from any amount that is or becomes payable to the recipient under the Public Service Superannuation Act.

.....
(Registrar, Prothonotary, Clerk or other officer of the Court
authorized to issue this notice on behalf of the Court).

.....
Date
Form No.

Public Service Superannuation Act—continued

THE FOLLOWING BOARDS, COMMISSIONS, CORPORATIONS AND PORTIONS OF THE
PUBLIC SERVICE HAVE BEEN ADDED TO SCHEDULE A TO THE
PUBLIC SERVICE SUPERANNUATION ACT

Added to Part I

Canadian War Museum Board
Defence Construction (1951) Limited
St. Lawrence Seaway Authority

Added to Part III

Canadian Sugar Stabilization Corporation Limited
Defence Construction Limited
Research Enterprises Limited
Royal Commission on Dominion-Provincial Relations established by Order
in Council P.C. 1908 of 14th August, 1937.
War Assets Corporation
Wartime Housing Limited
Quebec Shipyards Limited
Citadel Merchandising Co. Limited

**2. Public Service Superannuation Act—Amendments, Public Service
Superannuation Regulations**

P.C. 1954-2054

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 22nd day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council on the recommendation of the Minister of Finance and pursuant to the Public Service Superannuation Act, is pleased to amend the Public Service Superannuation Regulations, made and established by Order in Council P.C. 1954-1843 of 1st December, 1954, and the said regulations are hereby amended in accordance with the Schedule of Amendments hereto, effective January 1, 1955.

SCHEDULE OF AMENDMENTS

The Public Service Superannuation Regulations are amended as follows:

1. By inserting therein immediately after section 1 thereof the following heading:

Part I

SUPERANNUATION

2. By revoking paragraph (a) of section 2 thereof, and by substituting therefor the following new paragraph (a):

(a) "Act", unless the context otherwise requires, means Part I of the
Public Service Superannuation Act;

Public Service Superannuation Act—continued

3. A reference to “these regulations” in sections 2 to 34 thereof shall be construed as a reference to Part I.

4. By revoking subsection (2) of section 15 thereof, and by substituting therefor the following new subsection (2):

(2) For the purposes of the Act, the effective date upon which a person ceases to be employed in the Public Service is the last day in the month in respect of which he is or was required to contribute to the Superannuation Account under subsection (1) of section 4 of the Act.

5. By revoking the headings immediately preceding section 35 and by revoking section 35.

6. By revoking Schedule III thereto.

7. By adding to the regulations the following new Parts II, III and IV:

Part II**SUPPLEMENTARY DEATH BENEFITS
PUBLIC SERVICE PARTICIPANTS***Interpretation*

35. In this Part,

- (a) “Act” means the *Public Service Superannuation Act*;
- (b) “department” includes any portion of the executive government of Canada, the Senate and House of Commons of Canada, the Library of Parliament, any portion of the Public Service of Canada specified in Schedule “A” to the Act and any Crown corporation or public board that has not been excluded from the operation of Part II of the Act;
- (c) “deputy head” includes the chairman, president or other chief executive officer of a department; and
- (d) “Minister” means the Minister of Finance.

APPLICATION

36. This Part applies to public service participants.

CONTRIBUTIONS

37. The contributions required to be paid by every public service participant shall be paid monthly by reservation from salary, or otherwise, as specified in these regulations.

Participants Absent from Duty

38. The contributions required to be paid by a public service participant who is absent from duty is an amount equal to the amount that he would be required to pay if he were not so absent.

39. Where a public service participant is absent from duty and receives salary during the period when he is so absent, the contributions required to be paid by him shall, during the period when he is so absent, be paid in accordance with section 37.

Public Service Superannuation Act—continued

40. For the purposes of Part II of the Act, where a public service participant is absent from duty with leave but does not receive salary for or in respect of the period, or any part thereof, during which he is so absent, he shall be deemed to receive salary, during such period, at a rate equal to the rate of salary that would have been authorized to be paid to him had he not been so absent.

41. (1) Where a public service participant is absent from duty with, leave, but does not receive salary for or in respect of the period, or any part thereof, during which he is so absent, he shall, when he returns to duty, pay the contributions required to be paid by him by reservation from his salary in accordance with subsection (2).

(2) Where a public service participant returns to duty after having been absent from duty with leave and has not paid the contributions required to be paid by him in respect of the period, or any part thereof, during which he was so absent, the appropriate amount of contributions shall be reserved in equal amounts from the salary of the participant, as it becomes payable, for a period commencing on the expiration of his absence from duty equal to the period during which he was so absent, except

(a) where the deputy head of his department certifies to the Minister that the participant was absent from duty because of illness or disability that renders him unfit to pursue any substantially gainful employment; or

(b) where the Minister is of opinion that undue hardship may be caused to the participant;

the Minister, in his discretion, may determine the period during which the contributions shall be reserved in equal amounts from the salary of the participant.

(3) Notwithstanding subsections (1) and (2), where a public service participant is absent from duty with leave and

(a) is on loan from the Government of Canada to an international organization,

(b) is on loan from the Government of Canada to the government of a country other than Canada,

(c) is serving as an elected full-time paid official of a civil service staff association, or

(d) is serving as a full-time paid official of a credit union,

he shall pay the contributions required to be paid by him by sending the same to the Minister at such time and in such manner as the Minister, from time to time, prescribes.

Elective Public Service Participants

42. (1) Subject to subsection (2), an elective public service participant shall pay the appropriate amount of contributions, in accordance with Schedule III, in a lump sum yearly in advance and the first payment is due on the thirtieth day immediately following the day on which he ceases to be employed in the Public Service.

(2) Where an elective public service participant is or becomes entitled to an annuity under Part I of the Act, the contributions required to be paid by him shall be reserved from that annuity when it becomes payable to him, but if that annuity is payable in an amount that is not sufficient to pay

Public Service Superannuation Act—continued

the contributions, the appropriate amount of contributions shall be paid by the participant in accordance with the document issued to him as evidence that he is a participant under Part II of the Act.

RECOVERIES

43. Where a public service participant ceases to be employed in the Public Service and does not become a member of the regular forces, any contributions payable by him on the date he ceases to be so employed may be reserved in one lump sum, or by instalments, from any moneys payable to or in respect of him at any time by or on behalf of Her Majesty.

EMPLOYMENT SUBSTANTIALLY WITHOUT INTERRUPTION

44. Where, during any relevant period,
- (a) a person has ceased to be employed in the Public Service and has again become employed therein, or
 - (b) the duties or conditions of employment of a person employed in the Public Service have altered,

his service during that period is deemed to be substantially without interruption within the meaning of Part II of the Act, unless during that period he ceased to be employed in the Public Service for any reason and did not again become employed therein within three months from the day on which he so ceased to be employed.

PREVAILING RATE EMPLOYEES

45. (1) For the purposes of Part II of the Act, the salary of a prevailing rate employee to whom that Part of the Act applies shall be computed in terms of an annual rate by multiplying the rate of pay according to which he is in fact paid

- (a) in the case of an hourly rate, by the aggregate of
 - (i) the number of hours in a relevant standard work week multiplied by fifty-two, and
 - (ii) the number of hours in a relevant standard work week divided by the number of days in a relevant standard work week;
- (b) in the case of a daily rate, by
 - (i) two hundred and fifty-nine, if he is employed on a five-day work week, or
 - (ii) three hundred and eleven, if he is employed on a work week other than a five-day work week;
- (c) in the case of a weekly rate, by fifty-two; or
- (d) in the case of a monthly rate, by twelve.

(2) A prevailing rate employee to whom Part II of the Act applies shall, subject to the Act, contribute to the Consolidated Revenue Fund, in accordance with section 42 of the Act, by reservation from the salary actually payable to him at the time such salary becomes payable.

(3) In this section,

- (a) "prevailing rate employee" has the same meaning as in Part I of the Act; and
- (b) "standard work week" means the number of hours that a prevailing rate employee is ordinarily required to work in a work week as determined by the Treasury Board.

Public Service Superannuation Act—continued

SEASONAL EMPLOYEES

46. (1) Where a seasonal employee to whom Part II of the Act applies returns to duty after the period in a relevant year during which he performed his normal duties, he shall pay the contributions required to be paid by him in respect of the period when he was not on duty in the Public Service at the same time and in the same manner as if he were a public service participant who was, during that period, absent from duty with leave but did not receive salary for or in respect of the period, or any part thereof, during which he was so absent.

(2) In this section, "seasonal employee" has the same meaning as in Part I of the Act.

SALARY IN CASES OF DOUBT

47. In any case of doubt, the amount that is deemed for the purposes of Part II of the Act to be the salary of a public service participant whose authorized salary includes any bonus or allowance of determinate or indeterminate amount, is the amount that is determined to be the regular remuneration payable for services performed in his continuing position and its value is fixed by the Treasury Board after consultation with the Civil Service Commission.

PROOF OF AGE AND DEATH

48. (1) For the purposes of Part II of the Act, the age or death of a public service participant shall be proved by forwarding to the Minister such evidence of age or death as the Minister, from time to time, considers appropriate.

(2) Every public service participant shall, before he attains sixty years of age, forward to the Minister proof of his age.

(3) Where a person has attained sixty years of age before he becomes a public service participant, he shall, upon becoming such a participant, forward to the Minister proof of his age.

(4) Where a person who has not forwarded to the Minister proof of his age in accordance with this section elects to become an elective public service participant, he shall, at the time he so elects, forward to the Minister proof of his age.

ELECTIONS

49. Every election made by a person under section 40 of the Act shall be made by him in writing, in a form prescribed by the Minister, and witnessed, and the original thereof shall be forwarded to the Minister by registered mail within the time prescribed for making the election.

EFFECTIVE DATE OF CEASING TO BE EMPLOYED
IN THE PUBLIC SERVICE

50. For the purposes of Part II of the Act, the effective date upon which a person (other than a person who is an elective public service participant) ceases to be employed in the Public Service is the last day in the month in respect of which he is or was required to contribute to the Consolidated Revenue Fund under Part II of the Act.

Public Service Superannuation Act—continued

CROWN CORPORATIONS AND PUBLIC BOARDS

51. The Crown corporations and public boards specified in Schedule IV are excluded from the operation of Part II of the Act.

52. Every Crown corporation or public board which is, or may hereafter be, specified in Schedule C or Schedule D to the *Financial Administration Act* shall, from time to time, as required by the Minister, pay into the Consolidated Revenue Fund an amount equal to an amount determined according to a rate of two cents per month for every two hundred and fifty dollars in the amount of the basic benefit of each participant who is employed by such corporation or board.

Part III

REGULAR FORCES PARTICIPANTS

Interpretation

53. In this Part,

- (a) "Minister" means the Minister of National Defence and includes such other person as the Minister designates for the purposes of this Part; and
- (b) other words and expressions, unless the context otherwise requires, have the same meaning as in Part II of these regulations.

APPLICATION

54. This Part applies to regular forces participants.

CONTRIBUTIONS

55. The contributions required to be paid by every regular forces participant shall be paid monthly by reservation from pay and allowances, or otherwise, as specified in these regulations.

Participants Absent From Duty

56. The contributions required to be paid by a regular forces participant who is absent from duty is an amount equal to the amount that he would be required to pay if he were not so absent.

57. Where a regular forces participant is absent from duty with leave and receives pay and allowances during the period when he is so absent, the contributions required to be paid by him shall, during the period when he is so absent, be paid in accordance with section 55.

58. (1) Where a regular forces participant is absent from duty with leave but does not receive pay and allowances for or in respect of the period, or any part thereof, during which he is so absent, he shall pay the contributions required to be paid by him at such times and in such manner as the Minister, from time to time, prescribes, and any part of the contributions not paid during his absence shall be paid by that participant when he returns to duty by reservation from pay and allowances in accordance with subsection (2).

(2) Where a regular forces participant returns to duty after having been absent from duty with leave and did not pay the contributions required to be paid by him in respect of the period, or any part thereof,

Public Service Superannuation Act—continued

during which he was so absent, the appropriate amount of contributions shall be recovered by monthly deductions in his pay account during a period of not more than six months in amounts not less than amounts that were required to be paid by him while he was so absent, except that, in exceptional circumstances, the Minister, in his discretion, may extend the period during which the contributions shall be recovered.

(3) Notwithstanding anything in this section, where a regular forces participant who has been absent from duty with leave and has returned to duty is paying the appropriate amount of contributions in respect of a period when he was so absent by reservation from his pay and allowances, he may pay, in one lump sum, at any time prior to the expiration of the period during which the contributions are to be recovered from pay and allowances, the amount payable by him in respect of the period during which he was so absent.

59. Where a regular forces participant is absent without leave for a period in excess of twenty-one consecutive days, he shall be deemed to have ceased to be a member of the regular forces on the last day in the month in which the twenty-second consecutive day on which he was so absent occurs, unless he returns to duty on or before the last day of the said month.

Elective Regular Forces Participants

60. (1) Subject to subsection (2), an elective regular forces participant shall pay, to the Minister of Finance, the appropriate amount of contributions, in accordance with Schedule III, in a lump sum yearly in advance and the first payment is due on the thirtieth day immediately following the day on which he ceases to be a member of the regular forces.

(2) Where a pension is or becomes payable under the *Defence Services Pension Act* to a regular forces participant, the contributions required to be paid by him shall be reserved from that pension when it becomes payable to him.

RECOVERIES

61. Where a regular forces participant ceases to be a member of the regular forces and does not become a public service participant, any contributions payable by him on the date he ceases to be a member of the regular forces may be reserved in one lump sum, or by instalments, from any moneys payable to or in respect of him at any time by or on behalf of Her Majesty.

SERVICE SUBSTANTIALLY WITHOUT INTERRUPTION

62. Where, during any relevant period, a person has ceased to be a member of the regular forces and has again become a member of those forces, his service during that period is deemed to be substantially without interruption within the meaning of Part II of the Act, unless during that period, he ceased to be a member of the regular forces for any reason and did not again become a member of those forces within three months from the day on which he so ceased to be a member.

PROOF OF AGE AND DEATH

63. (1) For the purposes of Part II of the Act, the age or death of a regular forces participant shall be proved by forwarding to the Minister such evidence of age or death as the Minister, from time to time, considers appropriate.

Public Service Superannuation Act—continued

(2) Every regular forces participant shall, before he attains sixty years of age, forward to the Minister proof of his age.

(3) Where a person has attained sixty years of age before he becomes a regular forces participant, he shall, upon becoming such a participant, forward to the Minister proof of his age.

(4) Where a person who has not forwarded to the Minister proof of his age in accordance with this section elects to become an elective regular forces participant, he shall, at the time he so elects, forward to the Minister proof of his age.

ELECTIONS

64. Every election made by a person under section 41 of the Act shall be made by him in writing, in a form prescribed by the Minister, and witnessed, and the original thereof shall be forwarded to the Minister by registered mail within the time prescribed for making the election.

EFFECTIVE DATES OF BECOMING AND CEASING TO BE A MEMBER OF
THE REGULAR FORCES

65. For the purposes of Part II of the Act,

- (a) the effective date upon which a person becomes a member of the regular forces is the day he is enrolled in those forces; and
- (b) the effective date upon which a person (other than a person who is an elective regular forces participant) ceases to be a member of the regular forces is the last day in the month in respect of which he is or was required to contribute to the Consolidated Revenue Fund under Part II of the Act.

Part IV

GENERAL

Interpretation

66. In this Part, all the words and expressions have the same meaning as in Parts II and III of these regulations.

BENEFITS

67. The times as of which the reductions referred to in paragraph (a) of subsection (1) of section 39 of the Act shall be made are as follows:

- (a) in the case of an elective participant
 - (i) who ceased to be employed in the Public Service not having become entitled to an immediate annuity under Part I of the Act, or
 - (ii) who ceased to be a member of the regular forces to whom a pension is not payable under the *Defence Services Pension Act*,
 each reduction shall be made on each anniversary of the day (that is on or that follows the sixty-first birthday of the participant, whichever occurs first), on which an annual contribution under Part II of the Act is payable; and
- (b) in any case, other than the cases mentioned in paragraph (a), each reduction shall be made on the first day of April or the first

Public Service Superannuation Act—continued

day of October, whichever date immediately follows each anniversary of the birthday of the participant commencing with his sixty-first birthday.

68. Where a benefit is payable under Part II of the Act to the estate of a participant and the Treasury Board is of opinion that a person or group or association of persons has incurred expenses for the maintenance, medical care or burial of the participant, the Treasury Board may direct that a part or all of the benefit be paid to such person or group or association of persons.

FEMALE PARTICIPANTS

69. Where a female participant dies leaving a spouse against whom, prior to her death, she had obtained, or it appears to the Treasury Board that she would have been entitled to obtain, an order for separate maintenance under the laws of the province in which she was ordinarily resident, and if, at the time of her death, she was, in the opinion of the Treasury Board, living apart from her spouse, by reason of his desertion, she shall, for the purposes of Part II of the Act, be deemed to have died leaving no spouse.

MISCELLANEOUS

70. Interest shall be credited to each Account established by Part II of the Act on the last day of each quarter in every fiscal year, namely, on the 30th day of June, on the 30th day of September, on the 31st day of December and on the 31st day of March, respectively, calculated at the rate of one per cent of the balance to the credit of each Account on the last day of the preceding quarter.

71. (1) There shall be issued to elective participants as evidence that they are participants under Part II of the Act, a document

(a) in Form B in the case of elective participants

- (i) who cease to be employed in the Public Service and are entitled to an immediate annuity under Part I of the Act, or
- (ii) who cease to be members of the regular forces to whom a pension is payable under the *Defence Services Pension Act*, and

(b) in Form C in all cases other than the cases mentioned in paragraph (a).

(2) Every document issued to elective participants under subsection (1) shall be signed by the Deputy Minister of Finance and by the Chief of the Superannuation Branch of the Department of Finance.

(3) The signature of the Deputy Minister of Finance on every document issued to elective participants under subsection (1) may be printed, painted, engraved, lithographed, photographed or represented or reproduced by any mode of representing or reproducing his signature in a visible form.

(4) The Chief of the Superannuation Branch of the Department of Finance shall sign every document issued to elective participants under subsection (1) but he may authorize any person to sign the document on his behalf.

Public Service Superannuation Act—continued

Schedule III

PART I

Annual contribution rates for elective participants who cease to be employed in the Public Service not having become entitled to an immediate annuity under Part I of the Public Service Superannuation Act, or who cease to be members of the regular forces to whom a pension is not payable under the Defence Services Pension Act.

Age Last Birthday	Annual Contribution per \$1000 Basic Benefit	Age Last Birthday	Annual Contribution per \$1000 Basic Benefit
21	8.56	44	18.97
22	8.83	45	19.72
23	9.11	46	20.52
24	9.40	47	21.35
25	9.70	48	22.23
26	10.01	49	23.14
27	10.34	50	24.11
28	10.69	51	25.13
29	11.05	52	26.20
30	11.42	53	27.34
31	11.81	54	28.53
32	12.22	55	29.80
33	12.65	56	31.14
34	13.10	57	32.58
35	13.58	58	34.12
36	14.07	59	35.80
37	14.59	60	37.65
38	15.13	61	39.77
39	15.69	62	42.02
40	16.29	63	44.40
41	16.91	64	46.92
42	17.56	65	49.58
43	18.25		

PART II

Every elective participant, other than an elective participant to whom Part I of this Schedule applies, shall contribute at the rate of ten cents per month for every \$250 in the amount of his basic benefit.

Schedule IV

Crown Corporations and Public Boards Excluded from the Operation of Part II of the Act.

- Canadian Arsenalns Limited
- Canadian Broadcasting Corporation
- Canadian Overseas Telecommunication Corporation
- Crown Assets Disposal Corporation
- Defence Construction (1951) Limited
- Eldorado Aviation Limited
- Eldorado Mining and Refining Limited
- Northern Transportation Company Limited
- Polymer Corporation Limited

Public Service Superannuation Act—concluded

Forms

Copies of the forms referred to in these regulations may be obtained on application to the Superannuation Branch, Department of Finance, Ottawa.

NOTE: The names of the following boards, commissions and corporations have been added to Schedule A to the Public Service Superannuation Act, (page 2619) effective as of the dates shown hereunder:

Schedule A

Part I

Defence Construction (1951) Limited

24th February 1954

Order in Council P.C. 1954-271 of 25th February 1954, (*Canada Gazette*, Part II, 1954, page 155).

Canadian War Museum Board

6th July 1954

Order in Council P.C. 1954-1018 of 6th July 1954, (*Canada Gazette*, Part II, 1954, page 876).

St. Lawrence Seaway Authority

28th July 1954

Order in Council P.C. 1954-1141 of 28th July 1954, (*Canada Gazette*, Part II, 1954, page 968).

Part III

Canadian Sugar Stabilization Corporation Ltd.

6th July 1954

Defence Construction Limited

6th July 1954

Research Enterprises Limited

6th July 1954

War Assets Corporation

6th July 1954

Wartime Housing Limited

6th July 1954

Order in Council P.C. 1954-1018 of 6th July 1954, (*Canada Gazette*, Part II, 1954, page 876).

Royal Commission on Dominion-Provincial Relations

3rd November 1954

Order in Council P.C. 1954-1669 of 3rd November 1954, (*Canada Gazette*, Part II, 1954, page 1536).

Quebec Shipyards Limited

Citadel Merchandising Company Limited

1st December 1954

Order in Council P.C. 1954-1842 of 1st December 1954, (*Canada Gazette*, Part II, 1954, page 2231).

PUBLIC WORKS ACT. (R.S.C., 1952, c. 228)

	Page
1. <i>Loitering and nuisances on public works</i>	2630
2. <i>Management and operation of various public works</i> ..	2630

1. Loitering and nuisances on public works

P.C. 1954-2069

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 31st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Public Works and pursuant to section 28 of the Public Works Act, is pleased, hereby, to revoke the regulation established by Order in Council P.C. 1611 of 2nd March 1942, and, in substitution therefor, is pleased to make and doth hereby make the following regulation:

No person may loiter or commit any nuisance in, on or about any public work or any part thereof.

Every person contravening this regulation is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars.

2. Management and operation of various public works

Regulations have been made by the Governor in Council for the management and operation of the undermentioned works, the regulations setting out in detail the specific requirements in each case. A copy of the regulations for each respective work may be obtained on application to the Secretary, Department of Public Works, Ottawa:

1. Champlain & Lorne Dry Docks, Lauzon, Quebec.
2. The Marine Slip at Selkirk, Manitoba.
3. St. Andrews Lock, Lockport, Manitoba.
4. The Graving Docks at Esquimalt, British Columbia.

PUBLIC WORKS HEALTH ACT. (R.S.C., 1952, c. 229)**Public Works Health Regulations**

P.C. 1954-1913

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Health and Welfare and pursuant to the Public Works Health Act, is pleased to order as follows:

1. The Regulations under the Public Works Health Act, established by Order in Council P.C. 416 of 25th February, 1930, are hereby revoked; and

Public Works Health Act—continued

2. The annexed "Public Works Health Regulations" are hereby made and established in substitution for the regulations hereby revoked.

THE PUBLIC WORKS HEALTH REGULATIONS

1. These regulations may be cited as the *Public Works Health Regulations*.

2. In these regulations

- (a) "camp" means any living, eating or sleeping quarters other than their own homes, that may be provided or caused to be provided by a company, with or without charge, for the accommodation of employees;
- (b) "communicable disease" means a disease which is directly or indirectly transmissible from an infected person or animal to another person or animal;
- (c) "company" means a person, firm or corporation which constructs or causes to be constructed, as the proprietor thereof, a public work;
- (d) "employee" means a person employed in or upon the construction of a public work;
- (e) "medical officer" means a physician engaged by a company for the purposes of section 11;
- (f) "Minister" means the Minister of National Health and Welfare;
- (g) "public work" means a public work or work within the meaning of section 2 of the Public Works Health Act;
- (h) "Public Works Health Officer" means the Chief of the Division of Public Health Engineering of the Department of National Health and Welfare, and includes any officer of that Department who may from time to time be designated by him to act as his duly authorized representative; and
- (i) "vermin" means rats, mice, cockroaches, bedbugs, lice, flies or any other noxious insect or animal.

3. In every contract for any public work there shall be inserted an express condition that such contract is made subject to compliance with these regulations.

4. Every company or every Department of the Government of Canada shall

- (a) notify the Minister before commencing the construction of a public work and state the character, location and dimensions thereof, the number of employees likely to be employed and the name and address of the contractor and of the medical officer, if any; and
- (b) notify the Minister upon the cessation or the completion of such public work.

5. Every company shall, before commencing the construction of a public work, request from the Public Works Health Officer, printed copies of these regulations, and furnish every contractor, engineer and medical officer who may be engaged on such public work with a copy thereof.

Public Works Health Act—continued

6. No company or person in charge of a camp as a representative of a company, or as a contractor or subcontractor, or as owner or operator of a camp, shall operate a camp or cause it to be operated unless it is maintained in accordance with every recognized standard of sanitation and, without limiting the generality of the foregoing, unless

- (a) it is sufficiently spacious to prevent overcrowding and is constructed so as to permit adequate cleansing and disinfecting thereof;
- (b) the kitchen and dining quarters are separate and distinct from the sleeping quarters and are located to the satisfaction of the Public Works Health Officer;
- (c) it is supplied with potable water and with a potable water system that in the opinion of the Public Works Health Officer is adequate and safe;
- (d) it is provided with sufficient refuse and garbage disposal facilities and with latrines that are located, constructed and maintained in a sanitary condition satisfactory to the Public Works Health Officer;
- (e) it is provided with the necessary equipment, installations and arrangements to insure proper heating, ventilation, vermin protection and sewage disposal; and
- (f) the camp, together with its sanitary equipment and appliances, is kept in a good state of repair and cleanliness.

7. (1) The Public Works Health Officer may at any reasonable time visit a camp or a public work and examine the conditions thereof.

(2) Every person in charge of a camp or a public work that is visited by the Public Works Health Officer shall give him all reasonable assistance and furnish him with such information as he may reasonably require.

(3) No person shall obstruct the Public Works Health Officer in the discharge of his duties.

8. Where, in his opinion, a camp is unfit for human habitation, the Minister may upon the recommendation of the Public Works Health Officer, order such camp to be vacated and upon the expiration of such time as may be fixed by the Minister, no person shall occupy the premises as a camp or cause or permit such premises to be so occupied until they are made fit for human habitation.

9. No person shall

- (a) employ in a camp as a cook, waiter or dishwasher, or in any other capacity in the preparation or serving of food, any person who is known to be suffering from a communicable disease;
- (b) serve in a camp as cook, waiter or dishwasher, or in any other capacity in the preparation or serving of food, where such person knows or suspects himself to be suffering from a communicable disease;
- (c) use or permit any other person to use a camp kitchen or dining quarters as sleeping quarters;
- (d) expectorate, urinate, defecate, bathe, wash or cleanse any portion of his person, or wash or cleanse any clothing or material in or near, or do any other act which may pollute or render unfit for

Public Works Health Act—continued

human use any well, pool or other source from which water is drawn or used for drinking or culinary purposes in a camp or in or upon a public work;

- (e) cause or permit in or upon or in the vicinity of a camp or a public work, the deposit or accumulation of any garbage, manure, filth, boxes, paper or other refuse, or anything that is or may become a nuisance or that may facilitate the propagation of vermin or create any fire hazard or that may otherwise be dangerous to the public health.

10. (1) Every person who finds the carcass of a dead animal in or upon or near a camp or a public work, shall notify the owner, who shall, within twelve hours, cause such carcass to be disposed of in a sanitary manner or as the medical officer or the Public Works Health Officer may direct.

(2) Where there is no owner or the owner is unknown, the person who finds the carcass shall notify a responsible person at such camp or public work, who shall cause the carcass to be disposed of in accordance with subsection (1).

11. (1) Where there are more than 75 but less than 500 employees and such employees live in camps located within a distance of thirty miles, the company shall provide such employees with such medical care or treatment, including hospitalization, as they may require because of illness or accident incurred during the period of their employment at the public work where they are engaged.

(2) For the purpose of subsection (1) the company shall appoint at least one medical officer, and where the number of employees exceeds 500, it shall appoint at least one additional medical officer for every additional 500 employees or fraction thereof.

(3) Where there are two or more medical officers, the company shall place each medical officer in charge of a specific number of employees within a designated territory that shall not exceed a distance of thirty miles in length; provided, however, that the Public Works Health Officer may alter the number of employees or the size of the territory when, in his opinion, such change is warranted by the circumstances.

(4) The company shall furnish every medical officer with sufficient means of transportation and sufficient drugs and medical supplies to provide the medical services prescribed in subsection (1).

(5) The company shall maintain a building or tent with proper heating installation, bedding and attendants to serve as a six-bed isolation building or tent for any employees who may suffer from a contagious disease.

(6) The isolation building or tent shall be located at a distance not less than 200 yards from any other tent, building or camp, and shall be altered or enlarged by the company as the Public Works Health Officer may deem advisable to direct.

(7) Where, in the opinion of the Public Works Health Officer, there is no hospital with suitable accommodation within a reasonable distance from the public work, the company shall establish one or more base hospitals under the direction of a medical officer specially appointed therefor, or one or more temporary hospitals under the direction of a medical officer already appointed, at such place and with such nursing and attend-

Public Works Health Act—continued

ing staff and medical and surgical supplies as may be directed by written order issued to the company by the Public Works Health Officer, when, in his opinion, such medical services are necessary for the preservation of health and the mitigation of disease.

12. (1) A company may make a deduction of \$1.00 a month from the wages of each employee to defray the cost of providing medical care and treatment, including drugs and medical supplies, hospitalization, the establishment of hospitals, the engagement of appropriate medical and nursing staff and other medical services that may be required pursuant to section 11.

(2) Every employee who pays his monthly contribution shall be entitled to such medical services without any additional charge.

(3) Where the contributions of the employees are not sufficient to pay the cost of the medical services, the contractor shall contribute to the cost thereof as directed by the Minister.

13. Every medical officer shall

- (a) familiarize himself with these regulations;
- (b) visit every camp and public work located in his territory within ten days after his appointment and thereafter at least once a month or more often if necessary to provide the medical services prescribed by these regulations;
- (c) report to the Public Works Health Officer every violation of these regulations that may come to his notice; and
- (d) make any recommendations that he may deem advisable concerning the sanitation of such camps or public work, and generally assist the Public Works Health Officers in carrying out these regulations.

14. Where an employee is suffering or is suspected of suffering from a communicable disease the medical officer, or if there is no medical officer, the company, the contractor, the person in charge of the camp where such employee is living and his supervisor at the public work, shall

- (a) when possible, cause such employee to be isolated immediately in an isolation building or tent, and treated until removed to hospital;
- (b) when there is no isolation building or tent, cause such employee to be isolated in a suitable building or tent located at least 200 yards from any other building or tent;
- (c) cause such employee to be removed to hospital as soon as possible and treated at the expense of the company;
- (d) immediately cause to be taken every precautionary measure necessary to prevent the spread of the disease; and
- (e) notify the Public Works Health Officer of the occurrence and of the precautionary measures taken.

15. Where an employee dies from any cause the medical officer, or if there is no medical officer, the company, the contractor, the person in charge of the camp where such employee is living and his supervisor at the public work, shall immediately notify the Public Works Health Officer of the death and the cause thereof, and shall immediately cause to be taken such precautionary measures as may be necessary to protect the health of the other employees.

Public Works Health Act—concluded

16. Upon the cessation or the completion of a public work or the closing of a camp, the company shall cause all garbage and rubbish to be collected and buried, privy-pits and latrine trenches to be covered with earth to a depth of at least one foot, and the grounds and buildings to be left in a clean and sanitary condition.

17. The sanitary requirements prescribed by these regulations for a camp shall also be applicable to a public work to the extent that compliance with such requirements is feasible.

18. Every company, contractor and person in charge on his behalf, of the construction of a public work or part thereof, including a sub-contractor, shall

- (a) exercise the necessary supervision to ensure that any camp or public work under his control, complies with these regulations; and
- (b) where no provision is made by these regulations with respect to any unsanitary condition that may occur in a camp or in or upon any public work, take whatever action that the Public Works Health Officer may deem advisable to direct for the preservation of health and the mitigation of disease amongst the employees.

19. (1) Every person who violates any of the provisions of these regulations is guilty of an offence and is liable on summary conviction to a fine not exceeding \$500, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

(2) The conviction of any person for violation of these regulations shall not be a bar to any action or suit which may be brought against him for neglect of any duty under these regulations, or which may otherwise be maintainable.

QUARANTINE ACT. (R.S.C., 1952, c. 231)

Quarantine Regulations

P.C. 1954-1914

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Health and Welfare and pursuant to the Quarantine Act, is pleased to order as follows:

1. The Quarantine Regulations, established by Order in Council P.C. 3931 of 2nd September, 1948, as amended, are hereby revoked; and

2. The annexed "Quarantine Regulations" are hereby made and established in substitution for the regulations hereby revoked.

THE QUARANTINE REGULATIONS

1. These regulations may be cited as the *Quarantine Regulations*.

Quarantine Act—continued*Interpretation*

2. In these regulations,

- (a) “coastwise vessel” means a vessel operating exclusively between Canada and the islands of St. Pierre and Miquelon or between Canada and the United States, including Alaska;
- (b) “Department” means the Department of National Health and Welfare;
- (c) “epidemic” means the extension or multiplication of a foyer;
- (d) “foyer” means the occurrence in any country of two cases of a quarantinable disease derived from an imported case, or one case derived from a non-imported case, or a first case of human yellow fever transmitted by *Aedes ægypti* or any other domiciliary vector of yellow fever;
- (e) “infected port” means a port or area where there is
 - (i) a foyer of plague, cholera, yellow fever or smallpox,
 - (ii) an epidemic of typhus or relapsing fever,
 - (iii) plague infection among rodents on land or on craft that are part of the equipment of a port or area, or
 - (iv) a yellow fever endemic zone;
- (f) “Minister” means the Minister of National Health and Welfare;
- (g) “organized quarantine station” means a quarantine station in Canada in charge of a quarantine medical officer and includes
 - (i) in the Province of Quebec, Quebec as the chief inspection and detention base with Seven Islands, Rimouski, Port Alfred, Three Rivers, Sorel and Montreal as sub-stations;
 - (ii) in the Province of Nova Scotia, Halifax, the harbour and Rockhead Hospital;
 - (iii) in the Province of New Brunswick, Saint John, the harbour and the Quarantine Hospital; and
 - (iv) in the Province of British Columbia, William Head with Victoria, Esquimalt, Vancouver including all of Burrard Inlet, New Westminster, and their respective harbours as sub-stations;
- (h) “quarantine officer” means a person appointed as such pursuant to the Quarantine Act, and includes a customs officer acting as the quarantine officer at an unorganized maritime or inland quarantine station;
- (i) “quarantine station” includes an organized quarantine station, sub-station, unorganized maritime quarantine station and unorganized inland quarantine station;
- (j) “quarantinable disease” means cholera (Asiatic), plague, smallpox, relapsing fever (louse borne), typhus fever and yellow fever;
- (k) “sub-station” means a Canadian port of final destination in charge of a quarantine medical officer and to which, after procuring pratique at an organized quarantine station, a vessel may proceed for fumigation, disinfection or other quarantine requirements;
- (l) “unorganized inland quarantine station” means a port or place on the inland boundaries of Canada;
- (m) “unorganized maritime quarantine station” means a port in Canada other than an organized quarantine station or sub-station;

Quarantine Act—continued

- (n) “yellow fever endemic zone” means an area in which *Aedes aegypti* or any other domiciliary vector of yellow fever is present but is not obviously responsible for the maintenance of the virus which persists among jungle animals over long periods of time; and
- (o) “yellow fever receptive area” means an area where local conditions permit the transmission and development of yellow fever when it is introduced.

3. These regulations apply to

- (a) every person entering Canada through a customs port or otherwise; and
- (b) every vessel arriving at or entering any port or place in Canada from a port outside of Canada, including any conveyance, car, carriage, vehicle, boat or thing.

4. A quarantine officer at a quarantine station and a customs officer acting as a quarantine officer at a quarantine station, shall be a justice of the peace for such quarantine station for the purpose of these regulations.

5. (1) A quarantine officer may give any order or do any act necessary to enforce these regulations.

(2) Without limiting the generality of subsection (1), a quarantine officer may, in respect of any person, vessel or thing that, without fully complying with these regulations, has passed, departed from or been removed from a quarantine station, cause such person, vessel or thing to be returned to such station, and, any constable, peace officer or any other person may, at the request of a quarantine officer, cause any such person, vessel or thing to be returned to the quarantine station and use such compulsion or force as is necessary therefor.

6. Every person who has been placed under surveillance and allowed to proceed to his place of destination, shall comply with such conditions of surveillance as the quarantine officer may deem advisable to direct, such as periodical reporting to a local health officer or other similar requirement.

7. Every pilot shall obtain from the Department copies of these regulations, and on boarding a vessel bound for any port in Canada, shall ensure that the master of the vessel is furnished with a copy thereof.

Organized Quarantine Station

8. (1) Subject to the exemptions provided in section 9, every vessel coming from a port outside of Canada and arriving at or entering any port or place in Canada having an organized quarantine station, shall be inspected by the quarantine officer at a place to be designated by him, and shall not make customs entry until it has received pratique.

(2) Where sufficient quarantine information can be given by wireless, radio pratique may be obtained between nine o'clock in the forenoon and five o'clock in the afternoon,

- (a) from “Quarantine Halifax” by vessels bound for Halifax, Nova Scotia;
- (b) from “Quarantine Saint John” by vessels bound for Saint John, New Brunswick;

Quarantine Act—continued

- (c) from "Quarantine Quebec" by vessels approaching Canadian ports via the Saint Lawrence River; and
- (d) from "Quarantine Victoria" by vessels bound for ports in British Columbia via the Strait of Juan de Fuca, other than vessels coming from an Asiatic port except ports in Japan.

(3) For the purpose of subsection (2), the quarantine information required shall include the

- (a) name and nationality of the vessel,
- (b) ports called at during the voyage,
- (c) nature of the cargo,
- (d) number of the crew,
- (e) number of passengers,
- (f) port of destination and name of the agent,
- (g) conditions of health of all on board with details of any sickness or death occurring during the voyage, and
- (h) any other information that may be required by the quarantine officer.

(4) The quarantine officer shall, upon a request for radio pratique, instruct the vessel to proceed to its port of destination or indicate where and when it shall be subject to quarantine inspection, and the master of a vessel proceeding without such inspection or instructions to proceed, shall be deemed to have contravened these regulations.

(5) Where the master of a vessel who has obtained radio pratique changes his port of destination after receiving permission to proceed, he shall notify the quarantine officer of such change and obtain new instructions, and failure to do so shall cancel the pratique already obtained.

(6) Where the quarantine officer permits a vessel to proceed without inspection, he shall notify immediately the customs officer at the port of destination and, upon such notification, the customs officer shall allow the vessel to make customs entry without written pratique.

9. (1) A coastwise vessel which is free from disease and arrives in Canada from a port or area that is not infected, shall be exempted from quarantine inspection.

(2) A coastwise vessel shall lose coastwise status and become subject to quarantine inspection on its next arrival at a Canadian port when at any time it touches at a foreign port other than a port in the United States including Alaska, or in the islands of St. Pierre and Miquelon.

(3) Notwithstanding subsection (2), a coastwise vessel passing through the Panama Canal, shall not lose coastwise status when it has not touched at any foreign port other than way-ports on the Panama Canal, and has not taken on or discharged passengers or cargo at such Panama ports.

(4) A vessel in possession of a duplicate written free pratique issued by the Foreign Quarantine Service of the United States at any continental port in the United States, including Alaska, may be deemed to be coastwise and exempted from quarantine inspection, when it has not touched at any other foreign port since leaving the United States, except that where such pratique is provisional the vessel may make customs entry only and shall not be permitted to obtain out-bound clearance without permission from the quarantine officer.

Quarantine Act—continued

10. (1) A vessel proceeding to another Canadian port after receiving pratique at a quarantine station and making customs entry, shall be deemed to be coastwise and exempted from further quarantine inspection at such subsequent Canadian port when no disease has developed on board and after obtaining pratique it has not touched at any infected port or at any foreign port other than a port in the United States including Alaska, or in the islands of St. Pierre and Miquelon.

(2) Where a disease has developed on board such vessel, or where the vessel has visited an infected port or a foreign port other than a port in the United States including Alaska, or in the islands of St. Pierre and Miquelon, it shall stop at the nearest quarantine station for further inspection and pratique.

11. Any of Her Majesty's ships of war having medical officers on board, shall be exempted from quarantine inspection and detention where such ship is free from disease and no quarantinable disease has occurred on board.

12. (1) Where a vessel from an infected port is proceeding to an unorganized quarantine station and has to pass *en route* an organized quarantine station, it shall obtain pratique at such station before proceeding to its destination.

(2) Any port or area may be deemed to be an infected port where in the opinion of a quarantine officer such port or area is or is suspected to be an infected port.

13. The master of every passenger vessel shall at least twelve hours before arrival at a quarantine station, notify the quarantine officer by wireless of the expected time of arrival of the vessel and of the condition of health of all on board, specifying the disease, if any, and he shall notify him again should any disease develop on board after his first notification.

14. The master of every vessel arriving at a quarantine station shall when required by the quarantine officer provide an accommodation ladder or suitable gangway for the use of the quarantine officer, and give such officer and his boat proper shelter or lee in stormy weather while boarding or leaving.

15. (1) The master of a vessel bound for any port in Canada having an organized quarantine station shall on approaching such station display as a distinctive quarantine signal a yellow flag at the fore by day, and by night a red light at the fore or where it may be readily seen, and such signal shall not be removed until the vessel has been released by the quarantine officer.

(2) The requirements of subsection (1) do not apply to vessels which have received radio pratique or are exempted from quarantine inspection pursuant to section 8 (2), 9, 10 or 11.

16. Where a vessel coming from an infected port or having infectious disease on board arrives at a quarantine station after sunset or after six o'clock in the afternoon, whichever is the later, quarantine clearance may be delayed until after inspection by daylight of the personnel on board.

17. The quarantine officer shall satisfy himself as to the presence or absence of infectious disease on board a vessel subject to quarantine by

Quarantine Act—continued

personal inspection or by the sworn statement of the master, on Form Q.S. 1, or by both, or from information by wireless obtained from the master who shall duly confirm such information in writing on Form Q.S. 1.

18. Every person, including a customs officer or other servant of the Crown, who is present on board a vessel arriving at any organized quarantine station from a foreign port or who has gone on board after its arrival and before quarantine inspection, is subject to the provisions of sections 19 and 22, and no person shall leave without permission from the quarantine officer until the quarantine officer has declared the vessel to be free from quarantinable disease.

19. (1) A vessel arriving at or entering any port or place in Canada with a quarantinable or other infectious disease on board, or coming from an infected port, may be detained at a quarantine station during the time necessary for its disinfection or disinfestation, including that of its personnel, luggage and cargo, in whole or in part, when in the opinion of the quarantine officer disinfection or disinfestation is necessary.

(2) Every person on board who in the opinion of the quarantine officer has been exposed to infection shall be detained in quarantine for the period of incubation of the disease from the ascertained date of last possible exposure.

(3) The period of incubation of quarantinable diseases is deemed to be as follows:

Cholera	5 days
Plague	6 days
Smallpox	14 days
Relapsing Fever	8 days
Typhus Fever	14 days
Yellow Fever	6 days

20. (1) Where a vessel bound for a foreign port calls at an organized quarantine station with quarantinable disease on board, such vessel shall, subject to these regulations, be permitted to land passengers and to put to sea again.

(2) The quarantine officer shall, before permitting the vessel to leave, determine whether there exists any contagious or infectious disease among the passengers or crew remaining on board, and he shall satisfy himself that the persons suffering from such disease will receive proper care during the remainder of the voyage.

21. (1) The master of a vessel bound for any port or place in Canada shall cause to be isolated immediately every case of quarantinable or other infectious disease that may occur on board during the voyage.

(2) The isolation hospital of such vessel shall not be used during the voyage as living quarters for any person other than a person suffering from or suspected to be suffering from an infectious disease.

22. (1) The master of a vessel ordered to be detained shall forthwith anchor or move his vessel in such position as the quarantine officer may direct, and the passengers and crew, including the pilot, and any other person on board shall remain on the vessel or land as the quarantine officer may direct.

(2) During the period of detention, no person shall communicate with or leave the vessel without the permission of the quarantine officer.

Quarantine Act—continued

(3) Where a quarantine officer orders a vessel to be detained, he shall notify the Department immediately, stating the reason therefor.

23. (1) The master of a vessel arriving by the St. Lawrence River shall obtain quarantine clearance certificate from the quarantine officer at Quebec or at any other port designated by that officer where there is no quarantinable disease on board.

(2) Where a quarantinable disease is found on board, the quarantine officer at any sub-station or other port designated by the Department shall withhold clearance for customs entry until the vessel has been released after landing patients and contacts at Quebec.

24. (1) Where a passenger has special permission from the Department of National Revenue and from an immigration officer to land at Father Point or at any other intermediate port on the St. Lawrence, the quarantine officer may allow him to land when there is no infectious disease on board or, where there is such a disease, when, in his opinion, the passenger has not been exposed to infection.

(2) Permission to land may be suspended by the quarantine officer where the vessel comes from an infected port.

25. (1) Where a quarantine officer finds a quarantinable disease on board a vessel touching at Halifax, Nova Scotia, *en route* to Saint John, New Brunswick, he may, when, in his opinion, such action is considered safe, allow passengers for Halifax and their effects to land at that port, and issue to the vessel a partial clearance.

(2) Where such permission is given, the quarantine officer at Halifax shall notify by wire the quarantine officer at Saint John of the action taken and the disease for which full clearance was withheld.

(3) Subsections (1) and (2) also apply to vessels touching at Saint John on their way to Halifax.

26. The master of a vessel which is bound for a Canadian port on the Pacific coast by way of the Strait of Juan de Fuca and which is not a coastwise vessel exempted from quarantine inspection, shall obtain pratique at William Head.

27. Every steam tug or other vessel which has towed or otherwise communicated with a vessel that is subject to quarantine inspection or detention, is subject to the same quarantine requirements as the vessel with which it has communicated, except when such communication is made by a tow-line or other line only.

28. (1) Subject to section thirty, every person who arrives in Canada from a country other than the United States including Alaska, Greenland, Iceland, the islands of St. Pierre and Miquelon, Bermuda, Cuba, Jamaica, the Bahamas, the Virgin Islands, Puerto Rico, the Panama Canal Zone or the Hawaiian Islands shall furnish evidence satisfactory to the quarantine officer that he is immune from smallpox by reason of, within the three years immediately preceding his arrival, either having had the disease or having been vaccinated against smallpox.

(2) A person who fails to furnish the evidence required by subsection (1) shall be placed under surveillance by the quarantine officer for a period not exceeding fourteen days from the date of such person's arrival.

Quarantine Act—continued

(3) Notwithstanding subsection (2), where a person who fails to furnish the required evidence, agrees to be vaccinated against smallpox, such person may, upon vaccination, be allowed to land and proceed to his destination without being placed under surveillance, when, in the opinion of the quarantine officer, this can be permitted without endangering the health of others; provided, however, that a person shall not be vaccinated when, in the opinion of the quarantine officer, vaccination would endanger the health of such person, because of illness, old age or infancy.

29. Where a vessel arriving at or entering any port or place in Canada has on board a person known or suspected to be infected with smallpox, the master of the vessel shall

- (a) report to the quarantine officer at such port or place full details concerning the persons known or suspected to be infected with smallpox, before any person leaves the vessel;
- (b) pursuant to the directions or instructions of the quarantine officer,
 - (i) cause persons who are known or suspected to be infected with smallpox to be removed to a quarantine hospital;
 - (ii) cause the personal effects of the persons referred to in subparagraph (i) as well as those of any other person who in the opinion of the quarantine officer may have been exposed to infection to be disinfected before such effects are taken off the vessel; and
 - (iii) disinfect the vessel or such portions of it as in the opinion of the quarantine officer require to be disinfected, before the vessel leaves that port or place.

30. (1) Subject to subsection (2), every person to whom this section applies shall be detained in a quarantine station for the periods specified hereunder:

- (a) where he has arrived from an infected port and is, in the opinion of a quarantine officer, susceptible to smallpox, fourteen days from the date of his arrival;
- (b) where, in the opinion of a quarantine officer, he has within fourteen days prior to his arrival in Canada, been exposed to smallpox, fourteen days from the date of his arrival;
- (c) where he has boarded, after its arrival at any port or place in Canada, a vessel on which smallpox has occurred during the voyage to Canada, fourteen days after his last exposure to infection;
- (d) where he was in quarantine detention when smallpox developed among any persons being detained, fourteen days from his last exposure to smallpox; and
- (e) where he developed smallpox when in quarantine detention, such further period of detention as the quarantine officer deems advisable.

(2) Any person referred to in subsection (1) who submits to vaccination under the direction of a quarantine officer or who, in the opinion of a quarantine officer, has been adequately vaccinated, may be released from quarantine detention as soon as, in the opinion of the quarantine officer, such person has acquired immunity from and is not capable of infecting any other person with smallpox.

Quarantine Act—continued*Cholera*

31. (1) Where a vessel from a cholera infected port arrives at or enters any place or port in Canada within the incubation period of cholera, the quarantine officer may, as he deems advisable, either detain at the quarantine station every person on board or place such persons under surveillance for a period not exceeding five days.

(2) Where any water was obtained at an infected port neither the master of the vessel nor any other person on board shall empty water ballast or cause water ballast to be emptied in port without previous disinfection.

32. (1) Where a vessel arriving at or entering any port or place in Canada has on board any person who is known or suspected to be infected with cholera or who suffered from cholera during the voyage, the master of the vessel shall, pursuant to the directions or instructions of the quarantine officer,

- (a) cause such person to be removed to a quarantine hospital;
- (b) in landing stores for detained passengers and crews, ensure that such articles do not contain anything capable of conveying infection, such as private food supplies, and such supplies, if any, shall be destroyed;
- (c) cause the water supply on board to be examined for the presence of *cholera vibrio* or *bacillus coli* and, unless the water is found free therefrom, cause the tanks to be disinfected, pumped out and thoroughly cleansed;
- (d) cause to be flushed with a solution of carbolic acid every portion of the vessel that is contaminated by excreta from a person suffering from cholera, a cholera carrier or a person suspected of being infected with cholera; and
- (e) cause all contaminated bedding, carpets and personal or other effects to be disinfected by steam, and where this is not possible, by immersion in a solution of carbolic acid.

(2) Every person on board who is infected or is suspected to be infected with cholera shall be detained in the quarantine hospital until he is, in the opinion of the quarantine officer, free from infection.

(3) Every person on board who is a cholera carrier or a cholera convalescent, shall not be released from quarantine until bacteriological examination has been negative on three consecutive days.

(4) Every person on board who presents clinical symptoms of cholera but shows no visible sign of *cholera vibrio*, is subject to subsection (2).

(5) Subject to subsections (1) and (4), any other person on board may either be detained in quarantine by the quarantine officer for a period of five days from the time of last exposure to infection or allowed to proceed and placed under surveillance for a like period when such person has a certificate of vaccination against cholera that in the opinion of the quarantine officer is valid.

Plague

33. (1) Where a vessel which has or has had during the voyage a case of plague on board, arrives at or enters any port or place in Canada, such vessel shall upon arrival be detained in quarantine.

Quarantine Act—*continued*

(2) The master of such vessel shall, pursuant to the directions or instructions of the quarantine officer,

- (a) cause to be disinfected every portion of the vessel that has been occupied by a person suffering from plague, or that, in the opinion of the quarantine officer, is infected, including the baggage of such person or any other person;
- (b) cause the vessel to be fumigated;
- (c) cause the cargo to be discharged with every precaution under the supervision of a specially appointed officer, to prevent the migration of rats between ship and shore, both by the use of the usual rat-guarding methods and by the inspection of all cargo likely to harbor rats, and when so directed by the quarantine officer, cause the cargo to be discharged by lighters; and
- (d) exercise on arrival every precaution to prevent the migration of rats between ship and shore by the use of every recognized method of rat prevention.

(3) Every person on board suffering from plague shall be landed and hospitalized.

(4) Every other person on board may be disinfected and placed under surveillance by the quarantine officer for a period not exceeding six days from the date of arrival.

(5) Where a vessel is suspected to have had during the voyage a case of plague on board, the quarantine officer may direct that any of the requirements of this section be complied with.

Pneumonic Plague

34. (1) Where a vessel arriving at or entering any port or place in Canada has or has had on board during the voyage a case of pneumonic plague, every person on board who, in the opinion of the quarantine officer, has been exposed to infection, shall be detained for observation at the quarantine station for six days, and the personal effects and baggage of every such person shall be disinfected.

(2) The provisions of section 33 shall apply in all other respects.

Relapsing Fever

35. Every person who arrives in Canada on a vessel coming from a relapsing fever infected port shall be examined and, where vermin is found, shall be landed at the quarantine station and disinfected, together with his baggage and personal effects.

36. Where relapsing fever has occurred on a vessel arriving at or entering any port or place in Canada,

- (a) the vessel shall be detained and fumigated in whole or in part as the quarantine officer may direct;
- (b) the sick shall be landed and hospitalized;
- (c) every person on board shall be examined and where a person is found to be infested, such person shall be landed in quarantine with his effects for disinfestation and detained for observation for a period of eight days;
- (d) every person refusing to submit to examination shall be isolated; and

Quarantine Act—continued

- (e) every person who is found free from vermin and who, in the opinion of the quarantine officer, has not been exposed to infection shall be allowed to proceed without disinfestation.

Typhus Fever

37. A person arriving in Canada on a vessel from a typhus infected port shall be examined and, unless found free from vermin, shall be landed and disinfested, together with his baggage and personal effects.

38. Where typhus fever has occurred on a vessel arriving at or entering any port or place in Canada,

- (a) the vessel shall be detained;
- (b) every person who is suffering from typhus, shall be landed and hospitalized, and every other person on board shall be examined for vermin;
- (c) every person who is found to be infested shall be landed in quarantine with his personal effects for disinfestation and detention under observation for a period of twelve days, and any person refusing to submit to examination shall be isolated;
- (d) every person who is free from vermin, and who, in the opinion of the quarantine officer, has not been exposed to infection, shall be allowed to proceed without disinfestation; and
- (e) the vessel shall be fumigated in whole or in part as the quarantine officer may direct for the destruction of vermin.

Yellow Fever

39. (1) Where any person is known or suspected to be infected with yellow fever, or where any vector of yellow fever is on board a vessel arriving at or entering any port or place in Canada, the master of the vessel shall, pursuant to the directions or instructions of the quarantine officer, cause the person known or suspected to be infected to be removed to a quarantine hospital for treatment.

(2) Any other person on board may be detained in quarantine for a period of six days or placed under surveillance for a similar period when such person does not possess a certificate of vaccination against yellow fever that in the opinion of the quarantine officer is valid.

(3) The vessel shall be disinfected or fumigated in whole or in part as the quarantine officer may direct, and it shall be detained until in his opinion every vector of yellow fever has been destroyed.

40. Where a person who is proceeding to a yellow fever receptive area arrives in Canada from a yellow fever infected port or from a yellow fever endemic zone, such person and the vessel arriving in Canada with such person on board, shall be subject to such quarantine requirements of section 39 as the quarantine officer may direct.

Disposal of Bodies

41. (1) Where a person has died from cholera or smallpox, the body of such person shall not be allowed to pass through quarantine until one year after death.

Quarantine Act—continued

(2) Where a person has died from typhus or plague, the body of such person may be allowed to pass through quarantine when it is free from vermin.

(3) Where a person has died from yellow fever, the body of such person may be allowed to pass through quarantine without any special precautions.

(4) The cost of burial at a quarantine station shall be a charge against the vessel from which the body is removed.

Other Contagious or Infectious Diseases

42. A person suffering from an infectious or contagious disease, other than a quarantinable disease, such as chickenpox, diphtheria, enteric fever, erysipelas, influenza, measles and scarlet fever, may be taken care of at a quarantine station when other treatment facilities are not available at the port of landing.

Leprosy

43. (1) Every quarantine officer shall satisfy himself whether or not leprosy exists among the passengers or crew of every vessel arriving at or entering the port under his charge, and where a person who is not a Canadian citizen is found to be suffering from leprosy, such person shall be detained in quarantine and removed by such vessel as soon as it leaves.

(2) Where the master of a vessel neglects or refuses to remove a person suffering from leprosy, such person shall be deported at the expense of the owner of the vessel.

Goods or Things

44. (1) Where goods or things which arrive at a quarantine station are infected with any disease or infested with vermin, or are suspected to be so infected or infested, such goods or things shall be refused customs entry pending examination thereof by a quarantine officer, and where they are found to be infected or infested, the quarantine officer may order the owner or importer thereof to remove them from Canada or to disinfect them at his own expense.

(2) Where, upon being ordered to do so, an owner or importer fails to remove such goods or things from Canada, or to have them disinfected in accordance with subsection (1), such goods or things shall be forfeited to Her Majesty and disposed of as directed by the Minister.

(3) Where goods or things arrive at a quarantine station from an infected port, the quarantine officer may before allowing entry either direct that they be disinfected at the quarantine station at the expense of the owner or importer, or accept a certificate signed by the responsible health authority of the country of origin that such goods or things were disinfected before shipment.

(4) Notwithstanding subsections (1) to (3), the Minister may at any time refuse entry to Canada of goods or things which are infected with a disease or infested with vermin or which are suspected to be so infected or infested.

(5) No indemnity shall be allowed for any injury, loss or forfeiture sustained in carrying out the purpose of this section.

Quarantine Act—continued

Fumigation and Deratting

45. (1) Every vessel other than a coastwise vessel exempted from quarantine inspection pursuant to section 9, shall be fumigated for deratting upon touching at any Canadian port when such vessel has not been fumigated within six months prior to arrival or within a lesser period when the vessel is coming from or has called at an infected port.

(2) A vessel from an area suspected to be an infected port or a vessel which is in a filthy condition or is rat infested or, since last fumigation, has carried cargo that the quarantine officer may consider to come from a potentially infected area or to have favoured the propagation of rats, may be ordered to be fumigated by the quarantine officer upon arrival at a Canadian port.

(3) A fumigation at a Canadian port pursuant to these regulations shall be made under the direct supervision of a quarantine officer of the Department.

(4) The production by the master of a vessel of a deratting certificate giving details of fumigation and signed by an accredited medical officer of the port where the vessel was last fumigated, or by the accredited authority of the port where there is no accredited medical officer, shall be accepted by the quarantine officer as evidence of fumigation.

(5) Where a deratting certificate does not show the details of fumigation, the quarantine officer may detain the vessel for inspection, and where he finds evidence of rat infestation he may order it to be fumigated.

(6) Subject to subsection (2), a deratting exemption certificate setting forth in detail the examination and condition of all parts of a vessel arriving in Canada and signed by the health authority of the port from which it was obtained, may be accepted in lieu of a deratting certificate.

(7) Where the master of a vessel neglects or refuses to fumigate his vessel when ordered to do so, the customs officer of the port shall refuse clearance until the vessel has been fumigated and the proper certificate obtained.

Fumigants and Disinfectants

46. Subject to section 47, disinfection or fumigation of a vessel shall be carried out by one or more of the physical, chemical or gaseous agents listed in the Schedule.

47. (1) When computing air space in the hold of a vessel, a registered ton for the purpose of fumigation shall be the equivalent of one hundred cubic feet, and the cubic capacity of crews' apartments, cabins and other compartments, shall be computed separately.

(2) Every fumigation shall be considered on its own requirements, and the following requirements shall be observed as far as possible:

- (a) all dead space and any planked over space between the outer and inner sheeting of the vessel shall be opened;
- (b) all dunnage and loose material in holds shall be collected on a raised platform;
- (c) pipe casing shall be opened, and from one end of the vessel to the other limber boards shall be removed at intervals to allow penetration of gas into the bilges;

Quarantine Act—*continued*

- (d) life boats shall be filled with water;
- (e) textiles soiled with discharges from sick person or in any way infected shall be disinfected by steam, by boiling or by steeping in a disinfecting solution;
- (f) cooking and eating utensils shall be disinfected by immersing in boiling water or by steam; and
- (g) in a generally infected vessel, the bilges shall be flushed with sea or river water and then treated with a disinfecting solution that in the opinion of the quarantine officer is adequate.

48. (1) Letters, correspondence and business documents shall not be subjected to disinfection or fumigation.

(2) Parcels conveyed by post shall be subject to disinfection or fumigation only when there is reason to believe that their contents include articles in regard to which such action is required.

Costs and Charges

49. Every quarantine inspection shall be made without charge.

50. (1) Subject to subsection (2), the cost of treatment or maintenance of a person detained at a quarantine station, shall be a charge against the vessel from which such person is removed.

(2) Where dues have been paid in accordance with Part V of the Canada Shipping Act, no charge shall be made for the treatment or maintenance in quarantine of any sick member of its crew.

51. Where a quarantinable disease has occurred on board a vessel and the number of persons detained at a quarantine station is, in the opinion of the quarantine officer, of such proportion as to require such action, the master of the vessel shall provide the necessary provisions, equipment and attendants to serve the persons detained, and he shall cause the quarantine buildings to be left in the same condition as to cleanliness and repair as they were prior to occupation.

52. Where a vessel is allowed to proceed, leaving passengers or crew in quarantine, their subsequent removal to their port of destination shall be a charge against the vessel.

53. Where a person is landed at a quarantine station, any damage to quarantine property caused by such person shall be a charge against the vessel from which he was landed.

54. The cost of disinfection, disinfestation and fumigation of a vessel shall be a charge against the vessel, and such cost shall be collected by the customs officer of the port at which the vessel is fumigated.

Unorganized Maritime Quarantine Stations

55. For the purpose of these regulations the customs office and the local customs officer at every unorganized maritime quarantine station shall be deemed respectively to be an unorganized maritime quarantine station and the quarantine officer thereof.

Quarantine Act—continued

56. The master of a vessel bound for an unorganized maritime quarantine station shall display the quarantine signals required by section 15 only when there is sickness on board.

57. The master of a vessel arriving from a foreign port at any unorganized maritime quarantine station shall furnish under oath to the customs office the particulars required by Form Q.S. 25.

58. (1) Where the customs officer at any unorganized maritime quarantine station, from information furnished by the master or otherwise, has reason to suspect on a vessel the presence of a quarantinable or other infectious disease, he shall order a medical inspection of the vessel and its personnel.

(2) The customs officer shall appoint to make such inspection the port physician designated to treat sick mariners, and such physician shall act as the quarantine medical officer for the purpose of this section.

59. The master of a vessel arriving at an unorganized maritime quarantine station from an infected foreign port or on board of which death from, or an outbreak of, a quarantinable or other infectious disease has occurred during the voyage, shall not dock his vessel until permission is obtained from the quarantine medical officer.

60. The requirements of these regulations applicable to organized maritime quarantine stations apply to unorganized maritime quarantine stations to the extent that compliance therewith is feasible.

61. Where a vessel arrives at an unorganized maritime quarantine station, any medical inspection ordered by the customs officer shall be made without charge.

62. Where quarantine facilities at an unorganized maritime quarantine station are not sufficient to permit clearance of a vessel, the quarantine officer may order that the vessel proceed at its expense to an organized quarantine station before being allowed to make customs entry.

Unorganized Inland Quarantine Stations

63. For the purpose of these regulations the customs office and the customs officer at every unorganized inland quarantine station shall be deemed respectively to be an unorganized inland quarantine station and the quarantine officer thereof.

64. (1) Where the customs officer has reason to suspect the presence of a quarantinable or other infectious disease on a car, carriage, vehicle, boat or thing arriving at an unorganized inland quarantine station, he shall order a medical inspection thereof and shall report the circumstances immediately to the nearest provincial or municipal health officer in order that such action as may be necessary shall be taken.

(2) The customs officer may detain such car, carriage, vehicle, boat or thing until the medical inspection has been made to his satisfaction.

(3) The physician appointed by the customs officer to make such inspection shall act as the quarantine medical officer for the purpose of this section.

Quarantine Act—continued

65. (1) Where in the opinion of the quarantine medical officer there is evidence of infection from a quarantinable disease on a car, carriage, vehicle, boat or thing arriving at an unorganized inland quarantine station, the requirements of these regulations applicable to an organized quarantine station apply to such unorganized inland quarantine station to the extent that compliance therewith is feasible, and the customs officer may, upon the advice of the quarantine medical officer, detain in quarantine any person or car, carriage, vehicle, boat or thing infected or suspected to be infected with such quarantinable disease, until in his opinion every requirement of these regulations is satisfied.

(2) No person suffering with a quarantinable disease shall be allowed to enter Canada until in the opinion of the quarantine medical officer entry can safely be allowed.

66. Where an epidemic exists in any part of the United States including Alaska, near the frontier of Canada, and the quarantine facilities are not sufficient to cope with a possible spread of the disease, the Minister may prohibit or restrict traffic in and out of Canada at such place as he may deem advisable.

Aircraft

67. An aircraft arriving in Canada from any foreign or overseas country, subject to the exemptions set forth in section 9 regarding ocean-going vessels, shall undergo quarantine inspection on arrival, before being allowed to make customs entry.

Offences and Penalties

68. Quarantine station grounds or wharves shall be reserved for quarantine purposes only, and no person shall use them for any other purpose without the permission of the quarantine officer in charge.

69. Every person who trespasses upon any quarantine station ground or wharf, is liable to a penalty not exceeding \$200.

70. (1) Every pilot who fails to provide the master of a vessel with a copy of these regulations in accordance with section 7, is liable to a penalty not exceeding \$50.

(2) Every pilot who knowingly contributes to, or is responsible for a violation of these regulations by the master or other officer of the vessel on which he is engaged, is liable to a penalty not exceeding \$400.

71. No customs officer shall permit entry to Canada of any vessel without a quarantine clearance.

72. Every quarantine officer or other person employed in the Quarantine Service who directly or indirectly receives or takes any payment, reward, gift or other consideration for any service rendered to any company, owner, master, crew, passenger or other person at or detained at a quarantine station, is liable to dismissal from the Service.

73. Every person who violates section 18 or 22, is liable to a penalty not exceeding \$200.

Quarantine Act—continued

74. Every officer in charge of a vessel or other person who fails to give to a quarantine officer or to the Department any information which is required by these regulations to be given or who gives false information, is liable to a penalty not exceeding \$200.

75 (1) Every master or officer of a vessel or any other person who violates any of these regulations for which no other penalty is provided, is liable to a penalty not exceeding \$400.

(2) Every vessel is liable for any unpaid penalty imposed on the master or other officer thereof.

76. Every person who fails to pay a penalty imposed pursuant to these regulations is liable to imprisonment until such penalty is paid.

77. The master of every vessel which enters or attempts to enter any port or place in Canada in violation of these regulations is liable to the penalty herein provided, and such vessel may be required to return to the nearest quarantine station and obtain the necessary pratique.

Schedule

Physical Agents

1. Burning—Thoroughly efficient, but seldom necessary as practically everything can be disinfected by less destructive means.
2. Boiling—Articles to be wholly immersed in water actually boiling at 100° Centigrade or 212° Fahrenheit for not less than thirty minutes.
3. Steam under pressure with vacuum—This method may be used in special chambers for the disinfection of all clothing and effects that will not be injured thereby; exposure to be for not less than twenty minutes at temperatures of not less than 100° Centigrade or 212° Fahrenheit, or greater than 115° Centigrade or 239° Fahrenheit, with a pressure of ten pounds to the square inch.
4. Flowing steam—May be used for disinfecting purposes where special chambers do not exist for using steam under pressure with vacuum. The exposure must be for thirty minutes after the temperature has reached 100° Centigrade.

Articles injured by steam, such as leather, furs, skins, rubber, trunks, valises, hats, boots, books, silks, fine woollens and glued articles should not be disinfected by steam. For such articles washing with a disinfecting solution of mercuric bichloride, carbolic acid or formalin should be used, and for those which would be injured by wetting, disinfection by a gaseous agent such as formaldehyde, sulphur dioxide, or hydrocyanic acid gas.

Chemical Solutions

5. Bichloride of mercury—This disinfectant is used in solutions not weaker than 1 to 1,000 of water. Its solubility is increased by using salt water or by adding two parts per 1,000 of sodium or ammonium chloride. It is effective in the spraying, washing and drenching of free surfaces, alleyways, walls, floors and other surfaces where steam or gaseous disinfection cannot be used. It injuriously affects polished

Quarantine Act—continued

metals. It cannot be depended upon to penetrate substances in the presence of albuminous matter such as dejecta, sputa and others. These are best disinfected by burning.

6. Carbolic Acid—In solution of five per cent may be used instead of the mercuric bichloride solution for the disinfection of ships' cabins as it has no injurious action on polished metals.
7. Formalin (a forty per cent aqueous solution of formaldehyde gas)—This in a five per cent solution may also be used as a substitute for the mercuric bichloride solution or carbolic acid and is effective in the disinfection of surfaces, dejecta, fabrics and a great variety of objects because of its non-injurious character.

Gaseous Agents

8. Sulphur Dioxide—Fumigation by sulphur dioxide is specially applicable to holds, steerages and other compartments too large for steam or formaldehyde, and which do not contain objects injured by it. It bleaches fabrics or materials dyed with vegetable or aniline dyes. It injures linen or cotton goods by rotting the fibre through the agency of the acids formed. It injures most metals. It is promptly destructive to all forms of animal life and is therefore specially valuable for the destruction of rats and other disease-carrying vermin.

The time of exposure should not be less than twelve hours.

Sulphur Dioxide Gas may be generated by burning three pounds of finely broken rolled sulphur per 1,000 cubic feet of space in the presence of sufficient moisture. The sulphur, finely divided, may be burned in iron pots standing in vessels of water. Ignition is best accomplished by alcohol, special care to be taken to prevent damage by fire.

Liquefied sulphur dioxide may also be used. Six pounds of liquefied gas are required for each 1,000 cubic feet of space, or the sulphur may be burned in a special furnace and the sulphur dioxide introduced by a power fan.

9. Formaldehyde—May be used for the disinfection of ship's cabins and saloons which would be injured by steam; also for clothing, textiles and luggage. It does not injure fabrics or most colours. It cannot be depended upon to kill rats or other disease-carrying vermin.

The smell of formaldehyde may be subsequently neutralized by the use of ammonia in liquid or gaseous form.

Formaldehyde gas may be evolved by any of the following methods:

- (a) The free sprinkling or spraying of formalin (forty per cent solution of formaldehyde) on sheets suspended in small closed compartments, ten ounces per 1,000 cubic feet. One sheet will hold about five ounces without dripping. The temperature of the room should be at least 75° Fahrenheit and the room should be tightly closed for twelve hours.
- (b) The formalin-permanganate method—Eight ounces of potassium permanganate, powdered or in fine needles, and one pint of formalin for each 1,000 cubic feet of room space to be disinfected. The permanganate must be put in before the formaldehyde solution. The vessel in which the mixture is made should be of

Quarantine Act—concluded

adequate size or the vigorous foaming will overflow. A flaring ten-quart tin pail may be used, or if a wide-bottom vessel be used, it need not be high. If the bottom of the dish be so wide that the requisite amount of permanganate just conceals it and the sides be eight inches high, there will be no overflow from foaming or spattering. The room in this method should be closed up tightly for six hours.

- (c) With dry heat from the jacket and partial vacuum where formaldehyde appliances are attached to the chambers for steam disinfection, with one hour's exposure. This method has great penetrating power, and is specially applicable to clothing, luggage and other such materials that cannot be steamed.

10. Hydrocyanic-acid gas—The most penetrating and toxic of all fumigants. It is generated by the mixture of water, sulphuric acid and sodium cyanide in the following proportions:

With each ounce of sodium cyanide one and one-half ounces of commercial sulphuric acid 66B and two fluid ounces of water shall be used. All ingredients shall be weighed and mixed immediately prior to each fumigation.

The strength of cyanide gas and the duration of exposure vary according to the object sought. The following instructions to be followed are based on the service standards of the United States Public Health Service:

- (a) For destruction of rats and mice, five ounces of sodium cyanide per thousand cubic feet of space and exposure for two hours.
- (b) For destruction of lice, ten ounces of sodium cyanide per thousand cubic feet of space and exposure for two hours.

The above standards apply to empty holds and superstructures, except storerooms that have a large quantity of stores. In cargo-laden holds or in well-packed storerooms, the length of exposure should be doubled. All apartments to be fumigated shall be tightly sealed.

- (c) Hydrogen Cyanide preparations may be used instead of the method described above.

RADIO ACT. (R.S.C., 1952, c. 233)

	Page
1. <i>General Radio Regulations, Part I</i>	2653
2. <i>General Radio Regulations, Part II</i>	2659

1. General Radio Regulations, Part I

P.C. 1954-1858

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to section 3 of the Radio Act, is pleased to order as follows:

1. The following regulations are hereby revoked:

- (1) The Regulations for controlling radio interference, established by Order in Council P.C. 252 of 22nd January, 1941;

Radio Act—continued

- (2) The Regulations established by Order in Council P.C. 3546 of 15th July, 1952, respecting the operation of radio stations by citizens of the United States, and the operation of private receiving stations in motor vehicles owned by tourists; and
- (3) The Regulations under The Radio Act, 1938, established by Order in Council P.C. 5234 of 14th October, 1949, as amended; and

2. The annexed “General Radio Regulations, Part I” are hereby made and established in substitution for the regulations hereby revoked.

GENERAL RADIO REGULATIONS, PART I

Short Title

1. These regulations may be cited as the *General Radio Regulations, Part I*.

Definitions

2. In these regulations,
- (a) “Act” means the Radio Act,
 - (b) “interference” means the detrimental effect to radio reception of a radio signal having a field strength of 500 microvolts per metre, or greater, on a receiving installation approved by the Minister as being satisfactory for the purpose, and in any prosecution or other proceedings under these regulations a certificate given by the Minister or by any person duly authorized by the Minister as to the detrimental effect of any interference shall be received as conclusive evidence of the facts stated in such certificate,
 - (c) “interfering apparatus” means any mechanical, electrical or other device, apparatus, or circuit, which causes or is liable to cause interference,
 - (d) “Minister” means the Minister of Transport,
 - (e) “radio reception” means reception of radio electric communication by means of Hertzian waves, including broadcasting, radiotelegraph, radiotelephone, the wireless transmission of writing, signs, signals, pictures and sounds of all kinds, and
 - (f) “suppress” means replace the interfering apparatus with non-interfering apparatus, or repair or alter the interfering apparatus in such a manner that it will not cause interference, or associate with the interfering apparatus additional apparatus such as suppressors or shielding so that the interfering apparatus will not cause interference.

Fees for Licences

3. The annual fees to be paid in respect of licences issued by the Minister for the installation and operation of radio stations in Canada, or on any aircraft registered in Canada, shall be as follows:—

(a) Limited Coast Station	\$50.00
(b) Public Commercial Station	50.00
(c) Private Commercial Station	10.00
(d) Municipal Services Station	1.00
(e) Experimental Station	5.00

Radio Act—continued

(f) Amateur Experimental Station	2.50
(g) Technical or Training School Station	5.00
(h) Aircraft Station	10.00
(i) Commercial Receiving Station	2.00
(j) Special Commercial Receiving Station	No fee payable
(k) Private Commercial Broadcasting Station:	

Category of Station	Annual Gross Revenue	Licence Fee
A	Under.....\$ 25,000	\$ 100.00
B	\$ 25,000 and under..... 50,000	250.00
C	50,000 and under..... 75,000	500.00
D	75,000 and under..... 100,000	1,000.00
E	100,000 and under..... 200,000	1,500.00
F	200,000 and under..... 400,000	3,000.00
G	400,000 and over.....	6,000.00

4. (1) The licence fee for a Private Commercial Broadcasting Station for the period commencing on the first day of April and ending on the following thirty-first day of March shall be based on the gross revenue of the licensee for the preceding fiscal year of the station ending on or before the thirty-first day of December.

(2) Notwithstanding subsection (1) the applicant for a licence for a new Private Commercial Broadcasting Station shall deposit with the Minister a minimum sum of \$100 if the power of the station is less than 1,000 watts, and \$500 if the power of the station is 1,000 watts or over; and the sum deposited shall apply on the first year's licence fee if the application is accepted, subject only to the payment of such additional amount, if any, based on the gross revenue for the period of operation of the station until March 31 next following the date of issue of the licence, in accordance with the category of stations as set out in section 3(k); and, the licence fee for the operation of new Private Commercial Broadcasting Stations for the following twelve month period, beginning on April 1 next following the date of issue of the licence, shall be computed on the basis of the period the station was in operation until March 31 next following the date of issue of the licence, prorated for a full twelve months.

(3) For the purpose of this section "gross revenue" means the total revenue earned by the licensee in the operation of the station, less agency commissions, as set forth in the financial return made under oath by the licensee to the Minister covering the operation of the station for the fiscal year of the licensee.

5. (1) Where a frequency modulated or a short-wave private commercial broadcasting station is operated by the same licensee simultaneously carrying the same programs as an amplitude modulated station, one licence only shall be required to authorize the operation of both stations.

(2) The annual licence fee to be paid in respect of Private Commercial Broadcasting Stations operated by educational institutions on a non-commercial basis shall be Fifty Dollars.

Radio Act—continued*Fees for Examinations*

6. (1) The fees to be paid in respect of examinations for "Certificate of Proficiency in Radiotelegraphy and Radiotelephony" shall be as follows, for each examination or re-examination:

(a) First Class Radiotelegraph Operator's Certificate	\$2.50
(b) Second Class Radiotelegraph Operator's Certificate	1.00
(c) Radiotelegraph Operator's Land Station Certificate	1.00
(d) Radiotelegraph Watcher's Certificate	1.00
(e) Radiotelephone Operator's General Certificate	1.00
(f) Radiotelephone Operator's Restricted Certificate	1.00
(g) Emergency Radio Certificate	5.00
(h) Experimental Radio Certificate	1.00
(i) Amateur Radio Certificate .....	.50

(2) The Minister may issue duplicate Certificates of Proficiency in Radiotelegraphy and Radiotelephony upon the production of satisfactory evidence, under oath, that the originals have been lost or destroyed and the following scale of fees is established therefor:

(a) Amateur	\$0.50
(b) All other classes	1.00

International Telecommunication Convention

7. The provisions of the International Telecommunication Convention for the time being in effect in Canada, and of such regulations made in accordance therewith as the Government of Canada may subscribe to, shall be observed by all radio stations established in Canada.

Penalty

8. Any person who installs or works any radio apparatus at any station in violation of these regulations shall be liable on summary conviction to a fine not exceeding five hundred dollars.

Control of Radio Stations in Case of Emergency

9. (1) When in the opinion of the Minister an emergency has arisen in which it is expedient in the public interest that Her Majesty shall have control over the transmission of messages by the apparatus of any radio station, the Minister may, by warrant under his hand, direct that so much of the apparatus, as is within Canada or the territorial waters thereof, or any part of the apparatus be taken possession of in the name and on behalf of Her Majesty and be used for Her Majesty's service and subject thereto for such ordinary services as to the Minister may seem fit, and in that event any person, authorized by the said Minister, may enter upon the stations, offices and works of any radio station or any of them and take possession thereof, and so use the station.

(2) The Minister may, when he considers that an emergency has arisen, instead of taking possession of the radio station, direct and authorize such persons as he may think fit on behalf of Her Majesty to assume the control of the transmission of messages by the apparatus of the station, either wholly or partly and in such manner as he may direct, and such persons may enter upon the station premises accordingly, or

Radio Act—continued

the Minister may direct the owner or his representative to submit to him or any person authorized by him all messages tendered for transmission or arriving by the apparatus or any class or classes of such messages, to stop or delay the transmission of any messages or deliver the same to him or his agent, and generally to obey all such directions with reference to the transmission of messages as the Minister may prescribe, and the owner or his representative shall obey and conform to all such directions.

(3) The Minister may, when he considers an emergency has arisen, close any radio station and cause the removal therefrom of the apparatus or any part of it.

Operations by Armed Forces of U.S.A.

10. (1) Members of the armed forces of the United States of America who are not British subjects may act as operators of radio stations in Canada, established, installed and operated pursuant to a defence arrangement between Canada and the United States of America.

(2) Servants or agents of the Government of the United States of America, who are not British subjects nor members of the armed forces of the United States of America, may be authorized by the Minister under such terms and conditions as he may prescribe to operate the radio stations referred to in subsection (1) of this section.

Operations by Landed Immigrants

11. A person who is a landed immigrant within the meaning of the Immigration Act and is employed as a radio operator within the territorial limits of Canada is exempted from the operation of section 7(1) of the Act, if he is the holder of a Canadian Certificate of Proficiency in Radio of any class, other than First or Second Class Radiotelegraph Operator's Certificate, or is otherwise authorized by the Minister to act as a radio operator on Canadian radio stations; and exemption granted under this section shall not be valid after the expiration of six years from the date the person exempted first became a landed immigrant.

Aircraft Pilots

12. A person who is a citizen of a foreign country that grants reciprocal permission to Canadian citizens to act as radio operators on board aircraft registered in that country and where such operation is complementary to their functions as pilots, is exempted from the operation of section 7(1) of the Act, if he is the holder of a valid Canadian Aircraft Pilot Licence and of a Canadian Certificate of Proficiency in Radio authorizing him to operate radio stations on board aircraft registered in Canada and flying within the territorial limits of Canada, and his employment as a radio operator on Canadian aircraft is complementary to his functions or duties as a pilot.

United States Citizens

13. A citizen of the United States licensed as an aircraft pilot and radio operator by the Government of the United States, may operate in Canada any radio station licensed by the Minister and installed aboard a civil aircraft registered in Canada, and such operation shall be complementary to his functions or duties as a pilot.

Radio Act—continued

14. Mobile radio stations licensed by the Government of the United States, other than ship and aircraft stations, installed in public safety vehicles, in vehicles employed in the operation or maintenance of a pipe line or other industrial facility extending across the border, or in vehicles regularly engaged in the public carriage of persons or goods between Canada and the United States, may be operated in the course of their normal service by persons duly authorized by the Minister or the Government of the United States, for communication with stations of either country that are licensed to be operated in the same type of service.

15. Mobile radio stations licensed by the Government of the United States, other than ship and aircraft stations that are limited to communication through common carrier radio-communication companies or agencies, may be operated by persons duly authorized by the Minister or the Government of the United States, for the purpose of obtaining a like communication service while in Canada.

16. Persons duly authorized by the Minister and who hold appropriate amateur radio station licences and operators' licences in respect of such stations, issued by the Government of the United States, may operate their amateur radio stations in Canada.

17. Except as otherwise authorized by these regulations, the installation and operation of the radio stations referred to in sections eleven to sixteen, inclusive, are subject to all the provisions and requirements of the regulations made by the Minister pursuant to section 4 of the Radio Act.

Radio Interference

18. (1) No person shall sell or use any interfering apparatus, but no prosecution for such use shall be instituted in any case unless the Minister certifies that an expenditure of less than fifty dollars will be necessary to suppress such interference.

(2) Notwithstanding anything contained in subsection (1) the Minister may, in any case, order the suppression of the interference and no person shall, after receiving notice of such order, use the apparatus nor resume the use thereof until the interference is suppressed to the satisfaction of the Minister.

19. (1) No person shall sell or use any device emitting radio frequency oscillations for purposes other than radio communications licensed by the Minister except with the approval, in writing, of the Minister.

(2) In subsection (1) "device" includes any device or apparatus which emits radio frequency oscillations for the purpose of playing phonograph records or retransmitting broadcast programs or lighting luminous signs.

20. Any person, who violates the provisions of section 18 or 19 is liable, on summary conviction, to a penalty not exceeding fifty dollars per day for each day during which such violation continues.

21. No prosecution for an offence against these regulations shall be commenced except with the consent of the Minister and the Minister may withhold such consent when, in his opinion, the device or apparatus was used for essential purposes in an emergency and the user submits a full report in writing to the Controller of Telecommunications of the Depart-

Radio Act—continued

ment of Transport, not later than five days after the use thereof, and, on the requisition of the Minister, furnishes satisfactory proof that the use of the apparatus was for essential purposes in an emergency.

22. Neither the Minister nor any employee of the Department of Transport shall recognize or assume any responsibility for claims for payment of charges or expenses incident to tests or investigations in connection with the enforcement of these regulations.

2. General Radio Regulations, Part II

Pursuant to the authority vested in me by section 4 of the Radio Act I hereby order that:

1. The "Regulations under the Radio Act, Part II" established by an Order of the Minister of Transport of 5th October, 1949, are revoked; and

2. The annexed regulations entitled "General Radio Regulations, Part II" are established in substitution for the regulations hereby revoked.

GEORGE C. MARLER.

Minister of Transport.

December 31, 1954.

GENERAL RADIO REGULATIONS, PART II

1. These regulations may be cited as the *General Radio Regulations, Part II*.

2. In these regulations,

- (a) "Department" means the Department of Transport;
- (b) "high-level modulation" means that the plate circuit of the last radio stage is modulated;
- (c) "low-level modulation" means that a radio stage before the last stage is modulated;
- (d) "maximum rated carrier power", means the power determined by the type and number of vacuum tubes used in the last radio stage and by the design of the transmitter; it is distinct from the operating power and in general is the maximum power at which the transmitter may be operated satisfactorily;
- (e) "Minister" means the Minister of Transport; and
- (f) "radio" means any system of radiotelegraphy or radiotelephony used for the transmission, reception or conveying of writing, signs, signals, pictures and sounds of all kinds by means of Hertzian waves.

Licences

3. (1) Subject to subsection (2), licences for radio stations may be issued only to British subjects or to companies created or incorporated under the laws of Canada or of any of the provinces thereof, or of any country of the British Commonwealth; provided that licences may be issued to persons or companies in whose names aircraft are registered in Canada for the establishment and operation on board such aircraft of radio stations for safety and navigational purposes only, in accordance with the terms of such licences.

Radio Act—continued

(2) Licences for radio stations may be issued to the Government of the United States of America or to any agency of the Government of the United States of America, where such stations are necessary to the carrying out of United States-Canada defence arrangements: the licences for such radio stations shall be issued subject to such conditions and restrictions as the Minister may prescribe, to assure that such stations are established, installed or operated in accordance with the provisions of the Radio Act and the regulations made thereunder in so far as they apply to such stations.

4. Licences for all classes of stations other than amateur experimental stations are issued by the Department of Transport at Ottawa only.

Classes of Licences

5. Licences for the following classes of stations may be issued:

- (a) Limited Coast Station
- (b) Public Commercial Station
- (c) Private Commercial Station
- (d) Municipal Services Station
- (e) Experimental Station
- (f) Amateur Experimental Station
- (g) Technical or Training School Station
- (h) Aircraft Station
- (i) Commercial Receiving Station
- (j) Special Commercial Receiving Station
- (k) Private Commercial Broadcasting Station

6. (1) Subject to the provisions of these regulations, all licences, excepting Private Commercial Broadcasting station licences, shall continue in force for the period commencing on the date of issue thereof and ending on the following 31st day of March; provided that licences for all stations excepting Private Commercial Broadcasting stations may be continued in force from year to year upon payment of the appropriate annual licence fees, subject to termination by the Minister at the end of any fiscal year without notice and without payment of compensation.

(2) Subject to the provisions of these regulations, licences for Private Commercial Broadcasting stations shall continue in force for a period of five years commencing on the date of issue thereof and ending on the 31st day of March, but in the case of a licence issued after the 1st day of April in any fiscal year the licence shall terminate on the 31st day of March following the expiration of the five-year period; provided that for such stations a licence may be continued in force for further periods of five years on payment of annual licence fees subject to termination by the Minister at the end of any fiscal year without notice and without payment of compensation.

7. Licences for radio stations shall be issued in accordance with the provisions of the Radio Act and the regulations made thereunder.

8. The licence shall be posted in a conspicuous place in the station.

9. The licensee shall observe the provisions of the Radio Act, the International Telecommunication Convention and Regional Agreements for the

Radio Act—continued

time being in force and, where applicable, the Aeronautics Act, the Canadian Broadcasting Act, and the regulations under the said Acts or convention.

10. Before a licence is granted for the installation and operation of a radio station, the applicant shall obtain approval by the Minister of the proposed site and for the erection thereon of masts, towers and other vertical structures related to the antenna system of the station; the licensee shall, when required, paint and light any such structures in accordance with the specifications approved by the Minister.

11. No licence granted by the Minister under the provisions of the Radio Act and these regulations shall be transferred or assigned.

12. The licensee shall agree at all times to indemnify the Minister against all actions, claims and demands that may be brought or made by any corporation or person in respect of any injury arising from any act authorized or permitted under the licence issued for such station.

13. No licence granted in respect of any station shall prejudice or affect the right of the Minister to establish, extend, maintain and work any system or systems of radio in such manner as he shall in his discretion see fit, neither shall anything contained in any licence prejudice or affect the right of the Minister from time to time to enter into agreements or to grant licences relative to the working and use of radio for the transmission of messages, writing, signs, signals, pictures and sounds of all kinds by means of Hertzian waves with or to any person or persons whomsoever upon such terms as he shall in his discretion see fit.

14. (1) No person shall act as a radio operator on any station in Canada without a Canadian Certificate of Proficiency in Radio of such class as may be specified in the licence.

(2) Notwithstanding sub-section (1) the Minister may at his discretion permit certain stations or classes of stations to be operated by persons who are not the holders of certificates of Proficiency in Radio provided that such persons are British subjects or persons described in sections 10 and 11 of the General Radio Regulations Part I, who are capable of demonstrating to a Department radio inspector that they are proficient in the operation and maintenance of the equipment at the station on which they are employed.

(3) Operators who are not the holders of a Certificate of Proficiency in Radio shall submit proof of their nationality or status of landed immigrant, and a declaration of secrecy Form 2036, which may be obtained from any radio inspector or from the Controller of Telecommunications, Department of Transport, Ottawa.

15. No licensee shall, except with the authority of the Minister, establish, install or work any radio apparatus, other than such as is specified in the application for the licence.

16. The allotment of a frequency or frequencies to any station does not confer a monopoly of the use of such frequency or frequencies, nor shall a licence be construed as conferring any right or privilege in respect of such frequency or frequencies.

Radio Act—*continued*

17. The frequencies and types of emission to be used, the watches to be maintained and the number and class of operators to be carried shall be as specified in the licence.

18. The emitted wave shall be as free from harmonics, key clicks and all forms of spurious emissions as may be technically and economically possible.

19. The station shall maintain its frequency within the tolerance limits specified in the licence and shall be equipped with an approved means for checking the frequency of the emitted wave.

20. The licensee shall so work the licensed apparatus as not to interfere with the working of any radio station or private receiving station.

21. The station shall be provided with a connection with the local telephone system where such facilities are available.

22. The working of the station shall be limited to the exchange of messages with such stations as are specified in the licence.

23. (1) The hours of service of all stations shall, when required be subject to the approval of the Minister.

(2) Stations authorized by the Minister to operate "day" or "night" only on specified frequencies or with differences in power or mode of operation between day and night operation shall be so operated in accordance with the schedule of times of sunset and sunrise endorsed on the licence; for the purpose of this regulation "day" means the hours from sunrise to sunset and "night" means the hours from sunset to sunrise.

24. A licensee shall commence construction of the station within three months, and complete and have the station in operation within nine months from the date of the issue of the first licence; otherwise the licence for the station shall be subject to cancellation.

25. No tolls, fees or any other consideration shall be received, levied or collected by the licensee of any station authorized to handle commercial messages for the public until they have been approved by the Board of Transport Commissioners for Canada.

26. If and whenever any Department of the Government of Canada shall require the licensee, his or its servants or agents to transmit, by means of the licensed apparatus, any message on Her Majesty's Service, such message shall have priority over all other messages, and the licensee, his or its servants and agents, shall, as soon as reasonably may be, transmit the same, and shall, until transmission thereof, suspend transmission of all other messages; the licensee shall not be entitled to claim any compensation in respect of the suspension of the transmission of such messages.

27. (1) The licensee shall not divulge to any person, other than properly authorized officials of the Government of Canada or a competent legal tribunal, or make any use whatever of any message coming to the knowledge of the licensee and not intended for receipt by means of the licensed apparatus, nor shall the licensee divulge to any person other than the addressee or his accredited agent the contents of any message coming to his knowledge intended for receipt by means of the licensed apparatus.

Radio Act—continued

(2) No person shall either directly or indirectly make use of or divulge to any person any information received by means of a private receiving station from any station other than a private commercial broadcasting station.

28. A *proces-verbal* of all messages and signals transmitted, giving the date, time and nature of such messages and signals, shall be kept by the licensee with such further particulars as the Minister may from time to time require; the licensee shall preserve all *proces-verbaux* for such period as may from time to time be prescribed by the Minister, and they shall be open to the inspection of the Minister or his officers thereto authorized at the office of the licensee at all reasonable times.

29. The Minister may by notice in writing to the licensee revoke the licence issued in respect of any station when in his opinion there has occurred any breach, non-observance or non-performance by or on the part of the licensee, his servants or agents, of any of the terms or conditions contained therein or of these regulations, and thereupon the powers and authority granted in the licence shall be determined and ended.

30. Limited Coast Station licences (Form 2056) may be granted in respect of stations in localities not served by a regular Government coast station; such stations shall be permitted to undertake a limited correspondence with ships at sea determined by the object of such correspondence until such time as a Department of the Government of Canada may provide permanent communication facilities for ships in that area; they shall exchange public messages with such ships, coast or land stations as are designated in the licence, but with no other stations.

31. Public Commercial Station licences (Form 2046) may be granted to land stations open for public correspondence with certain other land stations designated in the licence; the licensee shall transmit all messages in the order in which they are received.

32. (1) Private Commercial Broadcasting Station licences (Form 2076) may be granted by the Minister to land stations to be operated for the broadcasting of news, information, entertainment or other services.

(2) Notwithstanding section 24, an applicant for a licence for a new Private Commercial Broadcasting station, or for permission to make any change in an existing Private Commercial Broadcasting station, shall commence construction or alteration of the station within three months, and complete and have it in operation within nine months from the date of the first written advice given by the Minister to the applicant that his application has been approved, failing which the authorization shall be void; provided, however, that the Minister may, at his discretion, and for such time as he may deem necessary, suspend the application of this subsection upon being satisfied that failure to implement such authorization is due to circumstances beyond the control of the applicant.

(3) Private Commercial Broadcasting Station licences are subject to the following conditions:

- (a) the licensee shall be the owner of the station, and the ownership shall not be transferred without the permission of the Minister having been first obtained upon the recommendation of the Canadian Broadcasting Corporation;

Radio Act—*continued*

- (b) where the licensee is incorporated as a private company, the ownership or control of any share of the capital stock of the company shall not be transferred either directly or indirectly without the permission of the Minister having been first obtained upon the recommendation of the Canadian Broadcasting Corporation, and the control of the station shall not be transferred in any manner whatsoever without the permission of the Minister having been first obtained upon the recommendation of the Canadian Broadcasting Corporation;
- (c) where the licensee is a company other than a company incorporated as a private company the control of the station licensed shall not be transferred in any manner whatsoever to any person without the permission of the Minister having been first obtained upon the recommendation of the Canadian Broadcasting Corporation;
- (d) except with the permission of the Minister given upon the recommendation of the Canadian Broadcasting Corporation, no person shall be licensed to operate more than one station and no licence shall be issued to or held by a company owned or controlled by a company holding a licence or to a company owning or controlling a company holding a licence;
- (e) the station shall be operated in fact by the licensee in person or by *bona fide* employees of the licensee; provided, however, that this condition may be omitted or rescinded by the Minister acting upon the recommendation of the Canadian Broadcasting Corporation; and
- (f) the Minister may require periodic or other returns to be made by the licensee of the revenues, profits and expenditures of the station, and any other information required by the Minister for the purposes of this section and to ensure that the station is operated in the national interest and for the benefit of the community in which it is located.

(4) For the purposes of this section, "private company" has the meaning provided by paragraph (j) of section 3 of the Companies Act.

Special Regulations for Private Commercial Broadcasting Stations

33. The transmitter and associated equipment shall be of standard design and shall conform to the best current engineering practice; the transmitter, the location of the transmitter, the location, type, height, painting and lighting of the antenna structure shall conform to the requirements prescribed by the Minister from time to time.

34. The maximum rated carrier power of a transmitter employing high level modulation or grid bias modulation in the last radio stage shall be taken as equal to the total installed tube capacity of the last radio stage as specified by the tube manufacturers; in the case of a transmitter employing low level modulation, the maximum rated carrier power shall be taken as one-fourth of the total tube capacity of the last radio stage.

35. The transmitter shall be equipped with

- (a) suitable indicating instruments of accepted accuracy to measure the antenna current, the plate voltage and plate current of the last radio stage;

Radio Act—*continued*

- (b) an approved apparatus for the continuous visual indication of the percentage modulation of the carrier; and
- (c) an approved automatic means to control and maintain its frequency at the value assigned in the licence, and within the required tolerance limits specified.

36. The transmitter shall be capable of delivering the authorized power with a modulation of seventy-five per cent or more, without generating more than ten per cent combined audio frequency harmonics.

37. The station shall be equipped with means for checking the frequency of the emitted wave independent of the automatic frequency control of the transmitter and capable of the same degree of accuracy.

38. The hum modulation component shall not exceed one per cent of the normal program signal when rectified alternating current is employed as a power source in any part of the transmitter.

39. The licensee shall take all the necessary precautions to ensure that in the construction of the transmitter and in the manner of the installation no live parts are exposed which in the normal operation of the transmitter may constitute a danger to any person.

Operation

40. The licensee shall operate the station at all times at the power specified in the licence and shall at no time exceed that power.

41. The operating power shall be computed from the plate input power of the last radio stage supplying power to the antenna, and shall be determined according to standard practice for the type of emission employed.

42. The station shall not be operated at a power greater than the maximum rated carrier power of the transmitter.

43. The modulation amplitude shall not at any time during the operation of the transmitter exceed 100 per cent of the carrier amplitude.

44. The transmitter and antenna system shall be so designed and operated that:

- (a) no emission shall be radiated which is not essential to the type of communication carried on; and
- (b) no harmonic of the carrier frequency shall have an amplitude greater than one millivolt per metre at a distance of one mile from the antenna.

45. Programmes and periods of operation shall conform to the regulations made by the Canadian Broadcasting Corporation under the provisions of the Canadian Broadcasting Act.

46. (1) Private Commercial Station licences (Form 2057) may be granted for stations to be operated in connection with the private correspondence of the licensee; such stations shall be limited to certain specific services which will be specified in the licence; they shall not exchange messages with stations other than those specified in the licence and, subject to subsection (2), no tolls shall be levied or collected on account of any business transacted or messages sent to or from the station.

Radio Act—*continued*

(2) In the case of private commercial stations established at points not provided with any other means of rapid communication, such as telegraph or telephone, or in the case of an interruption to such service, the Minister may, as the case may be, require or permit the station to accept messages to and from the public, and communicate with such stations as he may designate; in this event, the licensee shall be entitled to collect tolls for the handling of such messages, the amount of such tolls to be as approved by the Board of Transport Commissioners and as specified in the licence.

(3) The Minister may at his discretion authorize the station to communicate with certain specified ship stations when such ship stations are within certain areas or localities specified in the licence; messages to or from such ships shall be limited exclusively to the business of the licensee.

47. Municipal Services Station licences (Form 2065) may be granted to municipalities for the establishment and operation of two-way radio-communication systems; each radio system so licensed shall comprise one or more stations and shall be limited to communications relating to municipal services, including the enforcement of federal, provincial and municipal laws; provided that the Minister may authorize communication with such other radio services as may be in the public interest; no tolls shall be levied or collected on account of any business transacted or messages transmitted or received.

48.(1) Experimental Station licences may be granted for stations intended for purely experimental purposes and operated with a view to the advancement of radio technique or in connection with the development of commercial equipment or of radiocommunication circuits; such communications as may be transmitted or received shall be limited to the experiments being carried out, and no tolls, fees or other consideration shall be received, levied or collected on account of such communications.

(2) Applicants for such licences shall state their technical attainments and the general lines on which they propose to pursue their investigations.

Special Regulations for Experimental Stations

49. Applicants for an Experimental Station licence shall state in their application the approximate frequency or frequencies they desire to use.

50. The station shall be worked by a person or persons holding a Canadian Certificate of Proficiency in Radio; the class of certificate shall be specified in the licence and will depend upon the character of the experimental work to be undertaken as well as the frequencies allotted in the licence, but the Minister may at his discretion authorize certain experimental stations, whose operation would in his opinion be unlikely to interfere with other stations or services, to be worked by persons who are not the holders of a Certificate of Proficiency, provided that such persons are British subjects and capable of demonstrating to a Department radio inspector that they are proficient in the operation and maintenance of the equipment at the station on which they are employed.

51. The power input to the antenna or radiating system shall normally be limited to five hundred watts; in special cases, where the Minister is

Radio Act—continued

satisfied that the use of higher power is essential to the success of the proposed experiments and that no interference will be caused thereby to other radio services, including broadcast receptions, he may permit the use of power in excess of five hundred watts.

52. A distinctive call signal shall be allotted to each station, commencing with the characters VE9, e.g., VE9AA, which shall be transmitted at the termination of every transmission.

53. Amateur Experimental Station licences may be granted for small stations intended for experiments in the development of radio technique or communication to persons whose aim in establishing and working such stations is solely personal and without pecuniary interest.

Special Regulations for Amateur Experimental Stations

54. The transmitting frequencies or bands of frequencies for amateur experimental stations shall be allotted from the bands appropriate for such stations.

55. The power input to the antenna or radiating system shall not exceed five hundred watts.

56. Amateur experimental stations shall be so operated as not to interfere with the working of any government or commercial coast, land, ship or aircraft station, or with the broadcast reception.

57. In the event of interference by an amateur experimental station the Department will take such action as it may deem expedient for the prevention of further interference, either by limiting the power or the working hours of the station, or by suspending its operation pending a satisfactory adjustment of the equipment; in the event of continued interference, the Minister may cancel the licence.

58. The station shall be worked by a person holding a Canadian Certificate of Proficiency in Radio of at least amateur grade, but the Minister may, at his discretion, authorize the station to be worked by a person who is not a holder of a Certificate of Proficiency in Radio, but who, in his opinion, is otherwise qualified and who is not situated at a point convenient to an examination centre, provided that the applicant submits an affidavit establishing that he is well versed in the operation and adjustment of amateur radio equipment, that he has a good knowledge of the national and international regulations applicable to the working of stations generally, as well as those relating to amateur stations and that he is qualified to send and receive in the International Morse Code at a speed of not less than ten words a minute.

59. An Amateur Experimental Station licence is subject to cancellation in the event of the failure of the licensee to obtain a Certificate of Proficiency when first called upon to take an examination for such certificate by the Department.

60. The type or types of emission which may be employed on the various frequencies or bands of frequencies shall be specified in the licence, and shall be so regulated and controlled as to ensure compliance with the requirements of section 56.

Radio Act—continued

61. A distinctive call signal shall be allotted to each station, commencing with the characters VE followed by a figure and two or more letters, e.g., VE3AA, which shall be transmitted at the termination of every transmission.

62. The working of amateur experimental stations is limited to point-to-point communication with other stations similarly licensed, either by voice or in the International Morse Code; the transmission of commercial messages, or messages having a commercial significance, which would ordinarily be sent over existing telecommunications facilities available to the public is strictly forbidden; broadcasting is not permitted.

63. No tolls, fees or other consideration shall be received, levied or collected by the licensee on account of any service performed by the station.

64. (1) Technical or Training School Station licences (Form 2074) may be granted for educational purposes.

(2) Except in special circumstances, and unless otherwise authorized in the licence, the use of an artificial or "dummy" antenna system only is permitted.

65. Aircraft Station licences (Form 2019) may be granted for radio stations established in aircraft registered in Canada.

66. (1) Commercial Receiving Station licences (Form 2141) may be granted for stations situated at points on land and intended for commercial reception only, and in respect of aircraft and other mobile units, except ships, which are equipped for reception only.

(2) If not the holders of Certificates of Proficiency in Radio, the operators shall be British subjects approved by the Minister and be competent to operate the station in an efficient manner.

67. Special licences for inductive interference investigation may be granted to public utility companies, power companies and manufacturers of electrical apparatus for stations operated for the sole purpose of investigating inductive interference from electrical lines and apparatus owned and operated by them.

68. (1) No message shall be delivered or its contents divulged to any person except the addressee, his or her accredited agent, or such properly authorized persons as are essential for the forwarding of such message to its destination.

(2) Any person who makes any use of any message or the contents thereof which has been delivered or divulged to him or her in violation of this section shall be liable on summary conviction to the penalty prescribed in section 91.

69. The transmission of superfluous signals by any radio station is prohibited; trials and tests are forbidden except under such circumstances as preclude the possibility of interference with other stations.

70. No person shall transmit or make a signal containing profane words or language.

Radio Act—continued*Operators*

71. The apparatus of all radio stations shall be worked only by operators holding Canadian Certificates of Proficiency in Radio, unless otherwise provided by these regulations.

72. All operators shall be British subjects with the exceptions provided for in sections 10, 11, 12 and 13 of the General Radio Regulations, Part I, and the different classes of stations shall be worked by operators holding Canadian Certificates of Proficiency in Radio of a class not inferior to those prescribed for the different classes of stations.

73. All coast stations open for public correspondence and maintaining a continuous watch shall carry at least three certificated operators; the officer in charge of a coast station shall hold a Canadian First Class Radiotelegraph Operator's Certificate, and the other operators certificates of a class not inferior to a Second Class Radiotelegraph Operator's Certificate; all other coast stations shall carry such operators holding such certificates as are specified in the licences issued for the stations.

74. The number and class of operators to be carried on land and mobile stations shall be as specified in the respective station licences.

Certificates of Proficiency

75. The following Certificates of Proficiency in Radio are issued by the Department:

- (1) First Class Radiotelegraph Operator's Certificate
- (2) Second Class Radiotelegraph Operator's Certificate
- (3) Radiotelegraph Operator's Land Station Certificate
- (4) Radiotelegraph Watcher's Certificate
- (5) Radiotelephone Operator's General Certificate
- (6) Radiotelephone Operator's Restricted Certificate
- (7) Emergency Radio Certificate
- (8) Experimental Radio Certificate
- (9) Amateur Radio Certificate

Examination for Certificates of Proficiency in Radio

76. (1) Applications for permission to attend examinations for any Certificate of Proficiency in Radio, except amateur, shall be made to the Controller of Telecommunications, Department of Transport, Ottawa, on appropriate forms, which will be provided upon request.

(2) The date and place of the examination will be notified to eligible candidates as soon as possible after receipt of the application.

(3) Applications for permission to attend examination for an Amateur Radio Certificate shall be made to the nearest Departmental radio inspector.

77. (1) No person shall be permitted to attend an examination for Certificates of Proficiency in Radio unless he is

- (a) a natural born British subject and the child of a parent who is, or was at the time of his death, a British subject or
- (b) a person who is a British subject by naturalization or by birth and whose application has been approved by the Minister.

Radio Act—continued

(2) Notwithstanding subsection (1) a landed immigrant within the meaning of the Immigration Act who has had this status for a period not exceeding six years and whose application has been approved by the Minister may attend examination for a Certificate of Proficiency in Radio, other than First or Second Class Radiotelegraph Operator's Certificate; a certificate issued to a landed immigrant shall not be valid for a period greater than six years from the date the holder first became a landed immigrant.

(3) Notwithstanding subsection (1), a citizen of a foreign country that grants reciprocal permission to Canadian citizens to act as radio operators on board aircraft registered in that country and who is the holder of a valid Canadian Aircraft Pilot licence may attend examination for a Radiotelephone Operator's Restricted Certificate.

(4) Candidates for examination for any class of Certificate of Proficiency in Radio except Amateur shall be not less than eighteen years of age, but the Minister may permit any person under eighteen but not less than seventeen years of age to attend examination if the Minister considers such person to be otherwise qualified to be a candidate.

(5) Candidates for examination for Amateur Radio Certificates shall be not less than fifteen years of age.

(6) The hearing of candidates for examination for Certificates other than Amateur shall be not less than 75 per cent of normal as measured on the Department's standard audiometer; but the Minister may permit a person whose hearing is not less than 75% of normal when using a hearing aid, to attend examination for a Radiotelephone Operator's Restricted Certificate of Proficiency in Radio, provided that any certificate so issued shall carry an endorsement to the effect that the holder is authorized to act as a radio operator on a radio station where the operation of such station may involve the safety of life only when another operator, whose certificate is not similarly endorsed, is on duty at the same time.

78. (1) The holder of a First-class Radiotelegraph Operator's Certificate is qualified to act as a radiotelegraph or radiotelephone operator on any class of station, or in charge of a coast, land, ship or aircraft station of any class or category.

(2) To be eligible for examination for a First Class Radiotelegraph Operator's Certificate, a candidate shall have had at least one year's experience as a radiotelegraph operator on a ship or coast station.

(3) Candidates are required

- (a) to send on an ordinary radiotelegraph key for five consecutive minutes in the International Morse Code at a speed of not less than 25 words a minute, plain language, and at not less than 20 words a minute, code groups (mixed letters, figures and signs of punctuation); the accuracy of signalling, the correct formation of the characters, and the correctness of spacing shall be taken into account;
- (b) to receive and write legibly for not less than five consecutive minutes at a speed of not less than 25 words a minute, plain language, and at not less than 20 words a minute, code groups (mixed letters, figures and signs of punctuation), from International Morse signals received on a double headgear telephone receiver as ordinarily used for radiotelegraph reception;

Radio Act—continued

- (c) to enunciate clearly and transcribe correctly messages by telephone;
- (d) to answer, in written examination, questions on
 - (i) general principles of electricity,
 - (ii) theory, adjustment, operation and maintenance of modern radiotelegraph and radiotelephone apparatus including D.F. and auto alarm devices,
 - (iii) theory, adjustment, operation and maintenance of the accessory apparatus such as motor generator sets and storage batteries,
 - (iv) the international regulations applying to the exchange of radio communications, the counting of words and computation of tolls on radio and domestic (Canadian landline practice) traffic, that part of the Convention for the Safety of Life at Sea which relates to radiotelegraphy, the general geography of the world, especially the principal navigation routes and the more important telecommunication routes; and
 - (v) the radio laws and regulations of Canada;
- (e) to complete circuit diagrams of standard commercial installations ordinarily fitted in Canadian ships or stations, including main transmitter of not less than 500 watts input, with telephone attachment, emergency transmitter, receiver, direction finder and auto alarm equipment; and
- (f) in a *viva voce* and practical examination,
 - (i) to connect the apparatus,
 - (ii) to name the most common faults which may occur in the installation during normal operation and, with the equipment immediately available, the methods used to remedy such faults,
 - (iii) to trace and remedy several faults on the apparatus on which the examination is being taken,
 - (iv) to adjust the apparatus after it has been placed out of commission, and
 - (v) to use direction finding apparatus to obtain bearings.

79. (1) The holder of a Second Class Radiotelegraph Operator's Certificate is qualified to act as a radiotelegraph or radiotelephone operator on any class of station, or as an operator on or in charge of an aircraft station, or in charge of a ship station of the third category.

(2) After the holder has completed six months' service on coast or ship stations in the International Maritime Mobile Service he is, in addition, qualified to act as an operator in charge of a ship station of the second category.

(3) Candidates for examination for a Second Class Radiotelegraph Operator's Certificate are required

- (a) to send on an ordinary radiotelegraph key for five consecutive minutes in the International Morse Code at a speed of not less than 20 words a minute plain language and at not less than 16 words a minute, code groups (mixed letters, figures and signs of punctuation);

Radio Act—*continued*

- (b) to receive and write legibly for not less than five consecutive minutes at a speed of not less than 20 words a minute plain language and at not less than 16 words a minute, code groups (mixed letters, figures and signs of punctuation) from International Morse Signals received on a double headgear telephone receiver as ordinarily used for radiotelegraph reception;
- (c) to enunciate clearly and transcribe correctly messages by telephone;
- (d) to answer, in a written examination, questions on
 - (i) elementary principles of electricity,
 - (ii) elementary theory, adjustment, operation and maintenance of modern radiotelegraph and radiotelephone apparatus, including direction finding and auto alarm devices,
 - (iii) elementary theory, adjustment, operation and maintenance of the accessory apparatus such as motor generator sets and storage batteries.
 - (iv) the international regulations applying to the exchange of radio communications, the counting of words and computation of tolls on radio and domestic (Canadian landline practice) traffic, that part of the Convention for the Safety of Life at Sea which relates to radiotelegraphy, the general geography of the world, especially the principal navigation routes and the more important telecommunication routes, and
 - (v) the radio laws and regulations of Canada;
- (e) to complete diagrams of connections of an installation as ordinarily fitted on Canadian ships, including main transmitter of not less than 100 watts input, emergency transmitter, receiver, direction finder and auto alarm equipment; and
- (f) in a *viva voce* and practical examination,
 - (i) to connect the apparatus,
 - (ii) to name the most common faults which may occur in the installation during a voyage and, with the means available on board, the methods used to remedy them,
 - (iii) to trace and remedy several such faults on the apparatus on which the examination is being taken,
 - (iv) to adjust the apparatus after it has been placed out of commission, and
 - (v) to use direction finding apparatus to obtain bearings.

80. (1) The holder of a Radiotelegraph Operator's Land Station Certificate is qualified to act as an operator on any land station fitted for radiotelegraphy and radiotelephony other than a coast station.

(2) Candidates for examination are required

- (a) to send in the International Morse Code on an ordinary radiotelegraph key for five consecutive minutes plain language, at a speed of not less than 20 words a minute, five letters or figures counting as one word;
- (b) to send in the American Morse Code on an ordinary land wire telegraph key for five consecutive minutes plain language at a speed of not less than 15 words a minute, five letters or figures counting as one word;

Radio Act—continued

- (c) to receive and write legibly for five consecutive minutes plain language at a speed of not less than 20 words a minute, five letters or figures counting as one word, from International Morse Code signals on a double headgear telephone receiver as ordinarily used for radiotelegraph reception;
- (d) to receive and write legibly for five consecutive minutes plain language at a speed of not less than 15 words a minute, five letters or figures counting as one word, from American Morse signals on an ordinary land wire telegraph sounder;
- (e) to enunciate clearly and transcribe correctly messages by telephone;
- (f) to answer in a written examination questions on
 - (i) general principles of electricity,
 - (ii) theory, adjustment, operation and maintenance of modern radiotelegraph and radiotelephone apparatus of not less than 50 watts, and
 - (iii) theory, adjustment, operation and maintenance of the accessory apparatus, such as motors, generators and storage batteries;
- (g) to draw a schematic diagram of a standard commercial radiotelegraph and radiotelephone transmitter of not less than 50 watts;
- (h) to draw a schematic diagram of a standard commercial tube receiver;
- (i) to answer in a written examination questions on
 - (i) national and international regulations governing radiotelegraph and radiotelephone communications generally, and
 - (ii) the counting of words and computation of tolls on domestic landline messages; and
- (j) in a *viva voce* and practical examination,
 - (i) to connect radiotelegraph and radiotelephone equipment, and
 - (ii) to name the most common faults which may occur in the equipment and the methods used to remedy them.

81. (1) The holder of a Radiotelegraph Watcher's Certificate is qualified to act as a receiving (listening only) operator on a ship carrying at least one operator holding a First or Second Class Radiotelegraph Operator's Certificate.

(2) The examination for a Radiotelegraph Watcher's Certificate will be practical and *viva voce*, and the candidate is required

- (a) to receive and write legibly for five consecutive minutes code groups (mixed letters, figures and signs of punctuation) at a speed of 10 groups a minute from International Morse Signals on a double headgear telephone receiver as ordinarily used for radiotelegraph reception;
- (b) to receive and understand the alarm, distress, safety and urgency signals when these signals occur among a series of other signals; and
- (c) to regulate the receiver used in a ship's radiotelegraph installation.

82. (1) The holder of a Radiotelephone Operator's General Certificate is qualified to act as an operator on any aircraft, ship or land station fitted with radiotelephone equipment only.

Radio Act—continued

(2) The examination for a Radiotelephone Operator's General Certificate will be *viva voce* and practical, and the candidate is required

- (a) to possess a good practical knowledge of radiotelephony and the operation and adjustment of radiotelephone equipment of not less than 50 watts;
- (b) to possess a good general knowledge of the regulations applying to the exchange of radiotelephone communications and of that part of the Radiocommunication Regulations relating to interference and to the distress, urgency and safety services of the radiotelephone service; and
- (c) to enunciate clearly and transcribe correctly messages by telephone.

83. (1) The holder of a Radiotelephone Operator's Restricted Certificate is qualified to act as an operator on any aircraft or ship station fitted with radiotelephone equipment only, transmitting on a fixed frequency and not open to public correspondence.

(2) The examination for a Radiotelephone Operator's Restricted Certificate will be *viva voce* and practical, and the candidate is required

- (a) to adjust a radio receiving set to different frequencies;
- (b) to possess a good general knowledge of the regulations applying to the exchange of radiotelephone communications and of that part of the Radiocommunication Regulations relating to interference and to the distress, urgency and safety services of the radiotelephone services; and
- (c) to enunciate clearly and transcribe correctly messages by telephone.

84. (1) In an emergency when a certificated operator is not available and when it is impossible for a person well versed in radio practice to attend a regular examination, the Minister may hold an emergency examination and may issue Emergency Radio Certificates of a grade not higher than a Second Class Radiotelegraph Operator's Certificate.

(2) Any person holding an Emergency Radio Certificate shall attend an examination for a regular Certificate of Proficiency in Radio at the first opportunity, and the Emergency Certificate shall expire and cease to be of effect on the day on which the result of such regular examination is published, or in any case not later than six months from the date of issue.

85. (1) An Experimental Radio Certificate authorizes the holder to operate the radiotelegraph or radiotelephone apparatus on an experimental station.

(2) Candidates for an Experimental Radio Certificate are required

- (a) to send in the International Morse Code on an ordinary radiotelegraph key for five consecutive minutes plain language at a speed of not less than 15 words a minute;
- (b) to receive and write legibly for five consecutive minutes plain language at a speed of not less than 15 words a minute from International Morse Code signals on a double headgear telephone receiver as ordinarily used for radiotelegraph reception;
- (c) to enunciate clearly and transcribe correctly messages by telephone; and
- (d) to answer in a written examination questions on
 - (i) general principles of electricity, and

Radio Act—concluded

- (ii) theory, adjustment, operation and maintenance of radio-telegraph and radiotelephone apparatus and accessories.

86. (1) An Amateur Radio Certificate authorizes the holder to operate the apparatus installed in an amateur experimental station.

(2) Candidates for an Amateur Radio Certificate shall be examined in the adjustment and operation of the equipment they propose to operate and are required to have a satisfactory knowledge of the Canadian regulations governing the establishment and working of amateur experimental stations and of the regulations annexed to the International Telecommunication Convention for the time being in force, applicable to the working of stations generally, as well as of those relating to amateur experimental stations.

(3) The examination shall be practical and *viva voce*, and candidates are required to send and receive in the International Morse Code at a speed of not less than 10 words a minute; they are also required to demonstrate their knowledge of the adjustment of the equipment with a view to the prevention of interference with other radio services, including the reception of broadcasting and of the proper maintenance of a transmitter within the bands of frequencies assigned for the use of amateur experimental stations.

Examinations Generally

87. Examinations will, by arrangement with the Controller of Telecommunications, be conducted at the offices of the Telecommunications Division, Department of Transport, at Ottawa or at certain permanent inspection offices throughout Canada, or at any technical or training school at which suitable apparatus is provided for the purpose.

88. A candidate who fails to pass an examination will not ordinarily be re-examined until after the lapse of three months, an additional fee is payable in respect of the further examination.

89. Where it is proved to the satisfaction of the Minister that the holder of a Certificate of Proficiency has wilfully or negligently failed to comply with the provisions of the International Telecommunication Convention and regulations in effect, or of these regulations, or of any other regulations which may be issued from time to time for his guidance, or been guilty of misconduct, the certificate may, at the discretion of the Minister, be withdrawn for suspension or cancellation.

Inspection of Stations

90. Any duly authorized officer of the Department may, from time to time, and at all reasonable times, inspect any radio station or private receiving station within Canada, any apparatus fixed or in use in such station, for the purpose of sending or receiving by radio, and all other telegraphic instruments and apparatus fixed or being in such station, also the working and use of such apparatus and telegraphic instruments, and all books and papers used in connection with the operation of such station.

Penalty

91. Every person who violates any of the provisions of these regulations is liable on summary conviction to a penalty not exceeding fifty dollars and costs, or to imprisonment for a term not exceeding three months.

RAILWAY ACT. (R.S.C., 1952, c. 234)

Orders and regulations have been made from time to time under this statute by the Board of Transport Commissioners. The orders and rulings of the Board, which by statute is a court of record, have been exempted from the operation of section 3, section 4, subsection (1) of section 6 and section 7 of the Regulations Act. Copies of orders and rulings of the Board may be obtained on application to the Secretary, Board of Transport Commissioners, Ottawa.

REGULATIONS ACT. (R.S.C., 1952, c. 235)**Regulations under section 9 of the Act**

P.C. 1954-1787

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Right Honourable Louis St-Laurent, the Prime Minister, and pursuant to section 9 of the Regulations Act and to section 29 of the Public Printing and Stationery Act, is pleased to revoke the regulations made by Order in Council P.C. 6173 of 21st December, 1950, as amended, and to make in substitution therefor the following regulations which are hereby made and established, accordingly:

REGULATIONS

1. In these regulations, "Act" means the Regulations Act.
2. (1) The *Canada Gazette* shall continue to be printed in two parts, namely, Part I and Part II.
(2) Part I shall contain such matter as may be required to be published in the *Canada Gazette*, other than regulations as defined in paragraph (a) of section 2 of the Act.
(3) Part II shall contain regulations as defined in paragraph (a) of section 2 of the Act.
3. (1) Part II of the *Canada Gazette* shall continue to be published by the Queen's Printer under the title "Statutory Orders and Regulations" on the second and fourth Wednesday of each month in separate editions in the English and French languages.
(2) Copies of Part II and of all consolidations of regulations shall be delivered to such persons as are entitled to receive copies of the Statutes of Canada, and may be sold to the general public upon such conditions as may be determined by the Queen's Printer from time to time.

Regulations Act—continued

4. Two copies of every proposed regulation shall, before it is made, be submitted in draft form to the Clerk of the Privy Council who shall, in consultation with the Deputy Minister of Justice, examine the same to ensure that the form and draftsmanship thereof are in accordance with the established standards.

5. Three copies in English and one in French of every regulation, one copy of which shall be certified, shall be transmitted to the Clerk of the Privy Council, in accordance with section 3 of the Act.

6. When received and recorded pursuant to sections 3 and 4 of the Act, regulations shall have affixed to them by the Clerk of the Privy Council the designation "S.O.R." followed by an appropriate number.

7. A consolidation of all regulations then in force shall be published from time to time when determined by the Governor in Council.

8. The Clerk of the Privy Council shall cause to be published quarterly a consolidated index and table of all regulations and amendments, revocations or other modifications made since the last preceding consolidation.

9. Pursuant to section 9 of the Act the following regulations or classes of regulations are hereby exempted from the operation of section 3, section 4, subsection (1) of section 6 and section 7 of the Act:

- (1) *Aeronautics Act*—Orders made by the Air Transport Board that do not apply to all carriers or to a class of carrier.
- (2) *Atomic Energy Control Act*—Orders made by the Atomic Energy Control Board under the Atomic Energy Regulations of Canada.
- (3) *Canada Grain Act*—Orders made under section 11 and orders as defined in section 16.
- (4) *Canadian Wheat Board Act*—Orders made by the Canadian Wheat Board as specified hereunder:
 - (a) Orders entitled "Instructions to the Trade";
 - (b) Orders addressed to particular persons or corporations only, requiring them to do or to refrain from doing specified things;
 - (c) Orders adjusting grain storage quotas at delivery points according to the availability of storage space from time to time; and
 - (d) Orders providing for the allocation of railway cars available for the shipment of grain at delivery points.
- (5) *Financial Administration Act*—Regulations that deal exclusively with matters of internal practice and procedure within the Public Service, that do not impose fines or penalties, and that are restricted in their application to persons within the Public Service.
- (6) *Indian Act*—Regulations and orders for the control and management of Indian reserves and property, residential and day schools, procedure at band and band council meetings, and generally in respect of all matters of a local or private nature within reserves.
- (7) *National Defence Act*—Regulations for the organization, training, discipline, efficiency, administration and good government of the Canadian Forces, that are restricted in their effect to members of or persons attached to the Canadian Forces.
- (8) *Penitentiary Act*—Regulations made under section 7.

Regulations Act—concluded

- (9) *Prisons and Reformatories Act*—All regulations made under the Act.
- (10) *Post Office Act*—Orders made by the Postmaster General for the guidance and government of officers and employees of the postal service.
- (11) *Railway Act*—By-laws, rules and regulations made by the Canadian National Railways under sections 290 and 300.
- (12) *Railway Act and other related Acts*—Rules, orders and regulations of the Board of Transport Commissioners for Canada made in the exercise of any power conferred on the Board by the Railway Act or any other Act.
- (13) *Royal Canadian Mounted Police Act*—Orders and regulations relating to the organization, discipline, administration and government of the Royal Canadian Mounted Police, that are restricted in their effect to members of or persons attached to the Royal Canadian Mounted Police.

REINSTATEMENT IN CIVIL EMPLOYMENT**(R.S.C., 1952, c. 236)**

No regulations have been made under this statute.

RETURNED SOLDIERS' INSURANCE ACT. (1920, c. 54)**Returned Soldiers' Insurance Regulations**

P.C. 3652

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 31st day of July, 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Veterans Affairs and pursuant to The Returned Soldiers' Insurance Act, is pleased to order as follows:

1. The Returned Soldiers' Insurance Regulations established by Order in Council P.C. 5233 of 14th October, 1949 as amended, are hereby revoked, effective August 1, 1952; and

2. The annexed "Returned Soldiers' Insurance Regulations" are hereby made and established, effective August 1, 1952, in substitution for the Regulations hereby revoked.

RETURNED SOLDIERS' INSURANCE REGULATIONS

1. These regulations may be cited as the *Returned Soldier's Insurance Regulations*.

2. (1) In these regulations,

(a) "Act" means The Returned Soldiers' Insurance Act;

(b) "policy" means a valid contract of insurance entered into under the Act;

(c) "reserve" means the net premium value of the policy computed on the basis of the British Offices Life Tables, 1893, Om (5), with interest at four per cent per annum; and

(d) "Superintendent" means the Superintendent of Veterans Insurance.

Returned Soldiers' Insurance Act—continued

(2) Any other word or phrase that is defined in the Act and used in these regulations shall, for the purposes of these regulations, have the same meaning as that given to it in the Act.

(3) Where under any term or condition of a policy issued under the Act any power or authority is to be exercised or anything is to be done by the "Board of Pension Commissioners for Canada" or "Board", such power or authority shall be exercised or such thing shall be done by the Superintendent.

3. All moneys due under any policy are payable in the City of Ottawa in the Province of Ontario.

4. (1) Premiums under any policy are due and payable monthly and the due date of all monthly premiums is the first day of the month.

(2) Premiums may be paid quarterly, semi-annually or annually in advance and where so paid are respectively three, six and twelve times the monthly premium.

(3) Where during any period for which the premium has been paid, the insured dies or the policy is surrendered for its cash value, there shall be refunded in the settlement of the policy that proportion of the premium paid for such period that corresponds to the unexpired portion of the period, such portion to date from the end of the calendar month in which the policy is terminated by death or surrendered.

5. (1) Where the insured does not pay, within the prescribed period of grace, a premium due under the policy and applies in writing, within three months from the date on which the premium fell due, for paid-up insurance, he is entitled to paid-up insurance for a reduced amount.

(2) The amount of such paid-up insurance is,

(a) in the case of a policy requiring that premiums be payable for twenty years, that proportion of the original amount of insurance that the total premiums paid is to the total of premiums originally payable; and

(b) in all other policies, an amount that the reserve on the policy at the date of application will provide when applied as a single net premium, computed on the same basis as the reserve, at the attained age of the insured.

(3) Paid-up insurance is payable on the same conditions as the original insurance.

6. A cash surrender value based on the reserve on the paid-up insurance to which the insured would have been entitled under section five is, where the Superintendent is satisfied as to the circumstances of the case, payable to the insured where

(a) a written application therefor is made to the Superintendent

(i) by the insured, and

(ii) by the beneficiary or beneficiaries, except where his or their whereabouts is unknown or cannot be ascertained by the insured after a search satisfactory to the Superintendent; and

(b) the policy is returned to the Superintendent for cancellation or retention.

Returned Soldiers' Insurance Act—concluded

7. Where the insured does not pay, within the prescribed period of grace, a premium due under the policy and no proper application has been made for paid-up insurance or a cash surrender value, the policy shall be automatically continued in force for the full amount of insurance for the extension period, disregarding fractional parts of a month, that the cash surrender value at the date on which the premium fell due will provide if applied as a net single premium at the attained age of the insured.

8. (1) Where the insured applies for any benefit provided by section nine of the Act he shall, if required by the Superintendent, furnish the report of a competent physician on an examination form provided by the Superintendent.

(2) Each claim shall be referred to a medical referee appointed by the Superintendent and the referee's decision is final.

(3) The fees of the physician shall be paid by the insured.

9. Where a disability is caused by the mental derangement of the insured, the disability benefit may be paid to such person or persons on his behalf as the Superintendent may deem fit.

10. Where the insured does not pay a premium by the end of the period of grace and the policy has not been changed to provide paid-up insurance, has not been surrendered for its cash surrender value or the automatic extension period has not expired, the insured may, with the consent of the Superintendent, and after such medical examination and other evidence of insurability as the Superintendent may deem necessary, restore the policy to a premium-paying basis at any time within five years from the due date of the first premium in default by payment of the arrears of premiums together with interest thereon at six per cent per annum compounded annually.

11. (1) The age, identity, existence or death of persons shall be proved by such documents or other evidence as the Minister of Veterans Affairs may require.

(2) Where proof of age is furnished during the lifetime of the insured, the age may be admitted by an authorized endorsement on the policy.

ROYAL CANADIAN MOUNTED POLICE ACT. (R.S.C., 1952, c. 241)

Orders and regulations for the government or administration of the Royal Canadian Mounted Police that are restricted in their effect to members of or persons attached to the force, have been exempted from the operation of section 3, section 4, subsection (1) of section 6 and section 7 of the Regulations Act.

ST. LAWRENCE SEAWAY AUTHORITY ACT. (R.S.C., 1952, c. 242)

No regulations have been made under this statute.

SALT FISH BOARD ACT. (R.S.C., 1952, c. 244)

No regulations under this statute were in effect on January 1, 1955

SEALS ACT. (R.S.C., 1952, c. 247)

No regulations have been made under this statute.

SEEDS ACT. (R.S.C., 1952, c. 248)**Seeds Regulations**

UNDER AND BY VIRTUE of the authority conferred upon me by the Seeds Act, I hereby revoke all regulations previously made by me under the said Act and substitute the following therefor.

JAMES G. GARDINER,
Minister of Agriculture.

Ottawa, October 21, 1954.

THE SEEDS REGULATIONS*Short Title*

1. These regulations may be cited as the *Seeds Regulations*.

Interpretation

2. In these regulations,
 - (a) "Act" means the Seeds Act; and
 - (b) "Plant Products Division" means the Plant Products Division, Production Service, Department of Agriculture, Ottawa.

Application

3. The Act and these regulations apply to the seeds listed in Schedule A, onion sets and multipliers, seed potatoes and plants of field and garden vegetable crops.

General Quality Requirements

4. (1) Each lot of seed offered or sold for seeding purposes in Canada—
 - (a) shall within reasonable limits, be uniform, sound and sweet, and shall not contain an excessive amount of moisture, straws, stems, awns, leaf, chaff, dirt or other inert matter or shrunken, broken, discoloured, skinned, sprouted, heated or musty seed;
 - (b) shall not carry disease organisms or damage to an extent that will impair the utility of the seed as determined by methods recommended by the Dominion Botanist and Plant Pathologist of the Science Service, Department of Agriculture, Ottawa; and
 - (c) shall be at least equal in general appearance and quality to a standard sample representing the grade of the kind thereof when such is established.
- (2) Any dispute arising from the application of paragraphs (a), (b) and (c) of subsection (1) shall be referred to the Plant Products Division,
- (3) Seed shall be designated as "rejected" and therefore unsuitable for seeding in Canada when it fails to meet the requirements of subsection (1), or when it is below the standard prescribed in Schedule B for the lowest grade of its kind, or when it contains prohibited noxious weed seeds; provided that in the case of field root or garden vegetable seed sold in accordance with section 6 of the Act, the germination of such seed may be lower than that prescribed in Schedule B for the lowest grade of its kind but not lower than twenty-five per centum.

Seeds Act—continued*Graded Seed*

5. (1) The use of the grades named in section 5 of the Act shall conform to the following requirements:

- (a) Registered grades apply only when the seed
 - (i) is of a kind, variety or strain approved for registration by the Canadian Seed Growers' Association;
 - (ii) is produced from a crop covered by a crop registration certificate issued by the Canadian Seed Growers' Association certifying that the crop has met satisfactorily the requirements of the Association for the registration of the seed crop; and
 - (iii) has been inspected, graded, tagged or labelled and sealed in a container by an inspector.
- (b) Certified grades apply only when the seed
 - (i) is of a kind, variety or strain approved for certification by the Plant Products Division;
 - (ii) is produced from a crop covered by a seed crop certificate issued by the Plant Products Division, certifying that the crop has met satisfactorily the requirements for the certification of the seed crop, or is produced from a crop covered by a crop registration certificate; and
 - (iii) has been inspected, graded, tagged or labelled and sealed in a container by an inspector.
- (c) The General Seeds of Commerce grades apply to all other graded seed.

(2) The purity, germination and any other standard for each grade or each kind of seed named in the tables of Grade Standards under Schedule B apply as indicated therein.

(3) The grades named in section 10 of the Act apply only when the seed

- (a) is of a kind, variety or strain and grade approved for inspection and grading for export by the Chief in charge of the Plant Products Division, Production Service;
- (b) meets the specifications set forth in the tables of grade standards in Schedule B for that particular kind and grade; and
- (c) is labelled to indicate that it was produced in Canada and that the inspection and grading is for export.

Ungraded Root and Vegetable Seeds

6. (1) Subject to subsection (2), root and vegetable seeds of the kinds listed in Schedule A may be sold ungraded if the information required under section 6 of the Act is marked on their containers or on tags or labels attached thereto.

(2) Where root and vegetable seeds referred to in subsection (1) are sealed as registered or certified, they may be sold ungraded only where,

- (a) the information required under section 6 of the Act is marked on their containers or tags or labels attached thereto;
- (b) they are derived from a crop covered by a crop registration certificate or seed crop certificate, as the case may be;
- (c) they meet the minimum purity standards for registered or certified grades respectively of the same kind; and
- (d) they are inspected, tagged or labelled and sealed by an inspector.

Seeds Act—continued

Registration Control Numbers

7. (1) Upon application a registration control number may be issued to a seller and used by him only, in connection with the sale of any grade of any kind and any variety of seed listed in any application, and any such application shall constitute a guarantee that any such seed sold or offered for sale conforms to all the requirements of the Act and regulations thereunder.

(2) Notwithstanding subsection (1) a registration control number may be issued to a seller and used by him only, in connection with the sale of all grades, of all kinds and of all varieties of seed; and any such application shall constitute a guarantee that all seed sold or offered for sale conforms to all the requirements of the Act and regulations thereunder; a fee of fifty dollars shall accompany each such application.

(3) Application for a registration control number shall be made to the Plant Products Division in one of the following forms whichever is applicable to the particular case:

“I hereby apply for a registration control number to be used by me or my firm in the marking of containers of the following kinds, varieties and grades of seed:

Kind	Variety (when known)	Grade
.....
.....
.....

.....
Name of person or firm

.....
Address

.....
Signature and Position Title of
Applicant”

or

“I hereby apply for a registration control number to be used by me or my firm in the marking of containers of all kinds, varieties and grades of seed.

.....
Name of person or firm

.....
Address

.....
Signature and Position Title of
Applicant”

Seeds Act—continued

(4) Subject to subsection (2), a fee of one dollar for each grade of each kind and each variety of seed shall accompany the application for a registration control number.

(5) The use of any registration control number shall expire on the last day of June following the date of issue, but may be renewed from year to year under the same conditions and at the same fees as for the original assignment of the number.

(6) A registration control number may be cancelled at any time and its use refused to any person for an indefinite period for any violation of the Act or these regulations.

Variety Names

8. (1) For the purposes of the Act, the names of the varieties to be included in a list of established variety names shall be those published from time to time by the Plant Products Division.

(2) Each variety name shall be used correctly as required by section 9 of the Act.

(3) Unless authorized by the Plant Products Division no change in the name of any variety of the said list shall be made.

(4) Any question or dispute arising from the cancellation or change in the name of any variety shall be referred by the Plant Products Division to the Director of Experimental Farms Service, Department of Agriculture, Ottawa.

Licensing New Varieties

9. (1) The licensing for sale of a new variety under the Act is subject to the requirements of this section.

(2) The application for such licence shall be made to the Plant Products Division.

(3) There shall accompany the application for the licence a statement from a provincial seed board, or an agronomist, cerealist, agrostologist, field husbandman or other qualified official of the staff of a recognized agricultural institution in Canada, recommending that the variety be licensed together with particulars in support of such recommendation as follows:

- (a) the proposed name of the variety;
- (b) when and where the variety was originated;
- (c) its pedigree, if any, and history of development;
- (d) the results of any experiments or tests and the names of the experimental station or stations where such experiments or tests were conducted; and
- (e) a detailed description of the variety respecting type, growth, period of maturity, range of adaptability, disease resistance, and any other characteristics desirable or undesirable.

(4) A licence shall be granted only when the variety name is acceptable, and the variety is different and superior in important characteristics or economically superior to varieties already established.

(5) When a variety is licensed for sale, the variety name shall be added to the list of variety names established.

Seeds Act—continued

(6) Any dispute or question arising from the granting, refusing, cancelling or deferring of a licence for any variety may be referred by the Associate Director in charge of Plant Products Division to a Committee composed of

The Deputy Minister of Agriculture—Chairman;

The Director of Production Service—Vice-Chairman;

The Director of the Agricultural Commodities Branch, Department of Trade and Commerce;

The Chief in charge of the Plant Products Division, Production Service;

In the case of disputes or questions relating to cereal crop varieties, the Chief of the Cereal Crops Division, Experimental Farms Service;

In the case of disputes or questions relating to forage crop varieties, the Chief of the Forage Crops Division, Experimental Farms Service;

In the case of disputes or questions relating to varieties of potatoes, the Chief of the Horticulture Division, Experimental Farms Service.

Weed Seeds

10. (1) For the purposes of the Act the “prohibited noxious”, “primary noxious”, “secondary noxious” and “other weeds” are classified and listed in Schedule C.

(2) Seed containing any “prohibited noxious” weed seed, shall be deemed to be “rejected” and therefore unsuitable for seeding in Canada.

(3) Notwithstanding that a seed of a cultivated crop listed in Schedule C is also listed in Schedule A, such seed shall for the purpose of these regulations be a weed seed when present in the seed of another cultivated crop.

Marking and Labelling

11. (1) The information required on the container, tag or label under sections 5, 6 and 10 of the Act shall be plain, legible and indelible, and without fractions or decimals when percentages or numbers are marked.

(2) Words, marks or phraseology that state or imply that the seeds, sets or plants are approved, accepted or recommended by the Government of Canada or any department or service thereof shall not be used in advertising, verbally or otherwise, or on the container, tag or label. (Examples: Government inspected, tested or approved or Government Standard).

*Further Information Required on Containers
of Certain Seeds*

12. (1) In addition to the information on the container, tag or label, required under section 5 of the Act, the information indicated in this section shall also be marked thereon.

(2) In the case of red clover seed or of a mixture containing five per cent or more of red clover seed, the words “double-cut” or “single-cut” shall be correctly used to indicate the type of red clover.

Seeds Act—continued

- (3) In the case of hay and pasture mixtures,
 - (a) the name and percentage by weight of each kind of crop seed which singly constitutes five per cent or more by weight of the mixture, or one per cent or more in the case of sweet clover;
 - (b) each kind of such crop seed shall be stated in the order of its predominance in the mixture; and
 - (c) the percentage by weight of “other crop seeds” expressed as such when such seeds in combination constitute five per cent or more by weight of the mixture, but not including any seed required to be marked subject to paragraph (a).

Examples

(Under paragraph (a):	
Red clover	94%
Alsike	5%
Sweet clover	1%)
(Under paragraph (c):	
Red clover	94%
Other crop seeds	6%)
(Under paragraphs (a), (b) and (c):	
Red clover	86%
Alfalfa	5%
Sweet clover	2%
Other crop seeds	7%)

- (4) In the case of mixtures of lawn or turf grass seeds
 - (a) the words “lawn grass mixture” or “turf grass mixture” as the case may be; and, in addition,
 - (b) when contained in packages larger than five pounds each, the name of each kind of seed constituting by weight five per cent or more of the mixture, or two per cent or more in the case of white clover.
- (5) In the case of seed of corn other than pop or squaw corn,
 - (a) one of the following terms correctly used as prescribed in section 18 to indicate the type of corn, i.e., “open pollinated”, “varietal cross”, or “hybrid”; and
 - (b) a term correctly used to describe the shape and size of the kernels may also be marked on the container, tag or label. (Examples: “large flat”, “medium flat”, “small flat”, “large round”, “medium round”, or “small round”.)
- (6) In the case of packets, cartons or other small containers of registered or certified seed, when the seller so wishes, a statement as follows:

“The seller guarantees this seed to be of (insert the word Registered or Certified as the case may be) stock, Seed Inspection Certificate No.”
(insert the number)
- (7) The seller of seed to which subsection (6) applies shall be held fully responsible for preserving the identity of the seed, and on demand prove that it came from the same lot of seed covered by the seed inspection certificate number marked on the packet, carton or container.

Seeds Act—continued

(8) Seed to which subsection (6) applies shall not be eligible for the production of registered or certified seed.

(9) Any information required by the Act or these regulations to be marked on the container, tag or label of any seed, may be modified to meet special conditions when so authorized in writing by the Plant Products Division.

Certificates, Tags and Seals

13. (1) Inspection certificates, tags or seals used in connection with or on containers of registered, certified or other seed, shall be supplied only by or under the authority of the Plant Products Division.

(2) Unless so authorized, the said tags or seals shall not be used by any person other than an inspector.

(3) Unless authorized in writing by the Plant Products Division, no person shall copy, duplicate, reproduce or issue any certificate, tag, seal, form or report that might be construed as official under the Act or these regulations.

Sampling and Samples

14. (1) Each sample of seed for testing or grading under the Act or these regulations shall be taken in such manner that the sample will truly represent the lot of seed sampled, in accordance with this section.

(2) The seed may be sampled with an approved sampler or by hand or otherwise as circumstances may require to ensure that the sample is representative of the lot of seed.

(3) Where there are ten bags or less in the lot of seed, each bag shall be sampled.

(4) Where there are not less than ten bags nor more than one hundred bags in the lot, the seed in at least ten bags thereof shall be sampled.

(5) Where there are more than one hundred bags in the lot, the seed in at least ten per cent of the bags thereof shall be sampled.

(6) Where the seed is in bulk or is in a car, bin, truck or other type of large container, it shall be sampled from at least seven different widely-distributed places including the top, middle and bottom portions of the bulk seed or containers.

(7) Seed in bulk in small containers shall be sampled in such a manner that the seed at the bottom as well as the top of the container is sampled.

(8) Where the seed is in paper packets, cartons or other small containers, it shall be sampled by taking enough of the small containers to fulfil the requirements of subsection (11).

(9) Where the seed taken from different parts of one or more containers appears to be of the same general quality, the sample shall be a composite mixture of the seed from such parts, but when the seed appears to be of variable quality separate samples shall be taken representing such variations in quality.

(10) Where an inspector takes a sample of seed for enforcing the Act and these regulations, that sample shall be forwarded to an official analyst under seal for testing and shall be filed for one year thereafter.

Seeds Act—*continued*

(11) The sample taken shall be at least of the following size according to the kind of seed, but an inspector may require a larger or smaller sample of any kind of seed when he deems it to be necessary or sufficient for the satisfactory application of the Act and these regulations:

Barley, oats, rye and wheat	32 ounces
Buckwheat, emmer, field corn, spelt and sugar beet	16 ounces
Beans (except broad beans and runner beans), beets (except sugar beet), garden corn, mangel, peas sunflower, Swiss chard and vetches	8 ounces
Alfalfa, brome grass, crimson clover, flax, hay or pasture crop mixtures, kidney vetch, lentil, lespedeza, lupine, meadow fescue, millets, red clover, ryegrasses, sainfoin, slender wheatgrass, sorghum, subterranean clover, Sudan grass, sweet clover, and tall wheatgrass	4 ounces
Alsike, bird's-foot trefoil, black medick, crested dogtail, crested wheatgrass, fescues (except meadow fescue), hop clover, Ladino clover, lawn or turf grass mix- tures, meadow foxtail, orchard grass, rape, reed canary grass, safflower, strawberry clover, tall oat- grass, timothy and white clover	2 ounces
Asparagus, bentgrasses (<i>Agrostis</i> spp.), bluegrasses (<i>Poa</i> spp.), cardoon, carrot, chicory, chives, endive, fowl meadow grass, leek, lettuce, onion, parsnip, radish, rampion, redtop, rough-stalked meadow grass, ruta- baga (swede), salsify, turnip, wood meadow grass	1 ounce
Artichoke, broccoli, Brussels sprouts, cabbage, celeriac, celery, celtuce, chervil, collards, cornsalad, cress, dandelion, dill, eggplant, kale, kohlrabi, mustard okra, parsley, pepper, sage, savory, sorrel, spinach, thyme, tomato	$\frac{1}{2}$ ounce
Rhubarb, water cress	$\frac{1}{4}$ ounce
Cauliflower, tobacco	$\frac{1}{8}$ ounce
Cantaloupe, citron, cucumbers (except greenhouse forc- ing), gherkin, muskmelon, pumpkin, squash, vege- table marrow, watermelon	400 seeds
Broad beans and runner beans	200 seeds
Greenhouse-forcing cucumber	25 seeds

Seed Testing

15. (1) The methods to be used and the procedure to be followed in the testing of seed under the Act and these regulations are as published from time to time by the Plant Products Division.

(2) Where the kind, variety or type of a sample or lot of seed submitted for test cannot be determined by methods so published, the test may be made in accordance with the representations of the owner or his agent as to kind, variety or type, but the Plant Products Division shall not be responsible for a wrong classification due to the kind, variety or type being incorrectly represented.

Seeds Act—continued

Seed Crop Inspection

16. (1) Seed crop inspections shall be confined to crops for the production of seed of the registered and certified classes and special seed crops.

(2) The crop inspection procedure is as follows:

- (a) when for the production of registered seed the crop shall be inspected as prescribed by the Canadian Seed Growers' Association;
- (b) when for the production of certified seed and other special seed crops, the inspection shall be done as prescribed by the Plant Products Division.

(3) Every application for a seed crop inspection

- (a) shall be made on the form provided for the purpose and at least thirty days prior to the time for the inspection of the crop; (Copies of the form may be obtained from any inspector); and
- (b) shall be made to the District Supervisor, Plant Products Division, in the district in which the crop is to be inspected.

(4) The inspection of a seed crop may be refused

- (a) when the application for such inspection is received too late by the District Supervisor for making satisfactory arrangements for the inspection; or
- (b) when, in the opinion of the District Supervisor, such inspection would not result in the economical production of an increased supply of improved seed.

Inspection and Sealing of Seed

17. (1) Every application for the inspection of seed shall be made in writing to the District Supervisor, Plant Products Division, in whose district the seed is to be inspected.

(2) The applicant shall furnish the necessary assistance and be responsible for the handling, tagging and sealing of the bags or other containers, under the supervision of the inspector.

(3) When the seed is in bags, there shall be securely attached to each bag of seed which passes inspection, an approved seed inspection certificate tag.

(4) When the seed is in bulk in a carlot and passes inspection, the car doors shall be sealed in the presence of an inspector who shall attach securely to each railway car door seal an approved certificate tag; a Seed Inspection Certificate in duplicate shall be issued to the applicant who shall attach one copy to the bill of lading.

(5) Except as otherwise provided in these regulations, when a seed inspection certificate is issued on a carload of seed in bulk such certificate shall be void when the seed is repackaged and relabelled.

(6) Seed shall not be tagged or sealed by an inspector as registered or certified until the inspector is provided with,

- (a) in the case of presentation by the grower, the grower's statutory declaration that the seed was derived entirely from the particular crop covered by the crop registration certificate or seed crop certificate; or

Seeds Act—continued

- (b) in the case of presentation by a person other than the grower, the grower's statutory declaration referred to in paragraph (a) and a statutory declaration by the person presenting the seed that it has not become mixed or contaminated while in his possession.

Corn

(other than pop, squaw, or sweet corn)

18. (1) In addition to any other requirements of the Act and these regulations applicable to seed of corn all such seed shall conform to the following requirements:

- (a) the term "open pollinated" applies only to named varieties of the approved list;
- (b) the term "varietal cross" applies only to the first generation of a cross between
 - (i) two named varieties;
 - (ii) a named variety and an inbred line (top cross); or
 - (iii) a named variety and a hybrid;
- (c) the term "hybrid" applies only to the first generation of a cross between two or more inbred lines or their combinations including single crosses, double crosses and three way crosses.

(2) "Varietal cross" and "hybrid" seed of corn produced in Canada for sale for seeding purposes in Canada shall be of registered grade only.

(3) "Open pollinated" seed of corn produced in Ontario shall be of registered grade or certified grade; such seed, when of certified grade shall be produced from registered seed or seed approved by the Plant Products Division.

Detention of Seed

19. Seed detained under the authority of section 19 of the Act is subject to the following provisions:

- (a) the inspector shall attach an approved detention tag to at least one container of each lot of seed detained;
- (b) the inspector shall notify in writing the person or firm in possession of the seed at the time of detention and if the containers of the seed are labelled under sections 5 or 6 of the Act with the name of another person or firm, the inspector shall also notify such other person or firm in writing of the detention;
- (c) the inspector shall take an official sample of each lot of detained seed unless an official sample has already been taken of such seed; and
- (d) no detained seed may be released or moved to any other premises or cleaned or changed in any manner, unless such release or removal is first authorized in writing by an Inspector.

Seed Importations

20. (1) Every importer of seed shall comply fully with the provisions of the Act and these regulations in respect to seed imported by him.

(2) The Collector of Customs at the port of entry shall

- (a) forward in an approved container to the District Supervisor, Plant Products Division, in the district into which the seed is to be

Seeds Act—continued

imported, a representative sample of the size prescribed in subsection (11) of section 14, from each lot of each kind of seed listed in Schedule A and entered for importation and the required details regarding the same; such sample shall be taken by or under the direction of the Collector of Customs;

- (b) at the expense of the importer, hold the seed in bond unless authorized by an inspector to release it to the importer or deliver it under bond to the importer; when the latter, the amount of the bond shall be the invoiced value of the seed plus any import duty and taxes.

(3) Unless authorized by an inspector, each lot of seed delivered under bond to an importer shall be kept separate and intact in the original containers and shall be returned to the Collector of Customs on demand; upon failure to comply with these requirements the bond shall be forfeited to the Crown.

(4) An inspector may permit under his supervision or direction any lot of seed in bond or which has been delivered under bond, to be cleaned or otherwise treated, repackaged, marked, tagged or labelled, provided that any such seed of rejected quality or otherwise not suitable for seeding in Canada shall not be mixed with any other seed.

(5) When satisfied that any lot of bonded seed meets the requirements of the Act and these regulations, the inspector shall so advise the Collector of Customs who may then release the seed to the importer and cancel the bond thereon.

(6) When satisfied that any lot of bonded seed has failed to meet any requirements of the Act or these regulations after the importer has had a reasonable time, but except in the case of sugar beets, not exceeding six months, or has been unable to correct the same, or refuses to accept the seed, the inspector shall advise the Collector of Customs who shall then cause the seed to be returned to its place of origin, or permit it to be destroyed under Customs supervision, and shall cancel the bond thereon.

(7) The Collector of Customs shall notify the District Supervisor, Plant Products Division, whenever seed which has been sampled under these regulations is moved from one port of entry to another before being released, and as to the final disposition of each lot of seed entered for importation.

(8) Seed for cleaning or processing, screenings or weed seeds of any kind or species, shall not be imported into Canada unless authorized in writing by the Plant Products Division.

(9) When any lot of seed for importation contains weed seeds not listed in Schedule C its release from Customs shall be withheld until the weed seeds are determined to be non-noxious.

(10) No seed shall be imported into Canada when its importation into any other country has been refused; provided that any such seed which was grown in Canada may be returned to Canada.

(11) Reports of tests or grades on samples of imported seed taken by or under the direction of Collectors of Customs may be issued by the Plant Products Division to the importer when requested and the prescribed fees for such testing or grading are paid.

Seeds Act—continued

(12) No hybrid corn shall be imported into Canada unless the shipment is accompanied by a sworn declaration of the exporter to the effect that the seed is a hybrid as described in paragraph (c) of subsection (1) of section 18.

Red Clover and Alfalfa Importations

21. (1) In addition to any other regulations that may apply, red clover and alfalfa seed imported into Canada shall be stained with a colour to indicate its origin of production; such seed shall contain, in thorough mixture, stained seed of its kind as follows:

- (a) Red clover seed or seed containing ten per cent or more of red clover produced in
 - (i) Great Britain, one per cent black;
 - (ii) The United States of America, one per cent methyl violet;
 - (iii) New Zealand, Europe and Asia, except Italy and Turkestan, one per cent green;
 - (iv) any other country or region, or of mixed or unidentified sources, ten per cent red.
- (b) Alfalfa seed or seed containing ten per cent or more of alfalfa produced in
 - (i) any State of the United States of America bordering Canada, when satisfactory proof of such origin accompanies the import shipment, one per cent black;
 - (ii) any other country, state or region, or of mixed or unidentified sources, ten per cent red.

(2) The colouring of red clover or alfalfa seed shall be done by the consignor with a suitable dye before shipment to Canada, or by the importer under the direction of the Collector of Customs.

(3) Notwithstanding anything contained in subsection (1) no staining shall be required when the red clover or alfalfa seed is of a named variety that is licensed for sale in Canada, and is imported in containers which bear the tags and seals of a certifying agency acceptable to the Chief of Agricultural Inspection Services, Plant Products Division.

22. Unless authorized in advance and in writing by an inspector,

- (a) red clover or alfalfa seed originating in different countries and requiring a different stain colour shall not be imported when mixed;
- (b) red clover or alfalfa seed of different origin or requiring a different stain colour shall not be mixed in Canada with seed of the same kind.

23. Whenever the origin of red clover or alfalfa seed is verified by a certificate issued by an acceptable agency, the name of the country, region or state of origin, as the case may be, shall be marked on the container or on the tag attached thereto.

Dutch Set and Multiplier Onion Importations

24. No person shall import Dutch sets or multiplier onions that are inferior in any way to the grade standards prescribed for No. 3 seed in Table 21 of Schedule B.

Seeds Act—continued

*The Importation of Seed of Varieties not included in the
List of Established Variety Names*

25. (1) Seed or plants of varieties not eligible for sale in Canada but which are for seeding by the importer or for the production of seed for export, other than wheat, barley and flax, may be imported subject to the following requirements:

- (a) At the time of importation, the importer shall furnish the Collector of Customs with a signed statement, in triplicate, in the form of a statutory declaration establishing that
 - (i) the seeds or plants being imported are for the use of the importer and not for sale;
 - (ii) the seeds of plants produced from the said seeds or plants will not be sold to any person in Canada and that their production, distribution and disposal will be only as authorized by an inspector; and
- (b) the Collector of Customs shall forward two copies of the statement of the importer to the District Supervisor, Plant Products Division, into whose district the seeds or plants are to be imported.

(2) The further importation of seeds or plants may be refused in the case of any person who has failed to comply with the requirements of these regulations.

Fees

26. The fees payable for services rendered pursuant to these regulations are as set out in Schedule D hereto.

27. Any service listed in these regulations shall be withheld unless the fee for such service is paid, provided that,

- (a) the fee for a seed crop inspection or seed inspection shall be paid at the time of inspection or within six months thereafter;
- (b) for any other service the fee shall accompany the application for the service or be covered by an acceptable credit;
- (c) the application for any service and the payment of the fee shall be made to the District Supervisor, Plant Products Division, in the district in which the service is required;
- (d) any arrears of fees not paid within three months of the due date shall disqualify the debtor for any further inspection or other service until such arrears are paid in full; and
- (e) the fee accompanying the application for the service shall be in the form of a postal note, money order or certified cheque made out to the order of the Receiver General of Canada; postage stamps are not acceptable in payment.

Miscellaneous

28. (1) Where any seed has been treated with poisonous material, its container shall have attached a conspicuous label marked

"Poisonous to man and animals
This seed has been treated with
.....
(Name of Poison)
for the control of
.....
(Name of pest or disease)"

Seeds Act—continued

(2) A name, mark or other designation introduced by an agricultural institution of recognized standing shall not be used unless authorized and the seed conforms in all respects with the seed for which such name, mark or other designation was introduced by the agricultural institution.

(3) No person shall use:

- (a) a registration control number assigned to another person when marking or selling seed which he repackages or relabels; or
- (b) a certificate number assigned to another person, when marking or selling seed which he repackages, except as provided in subsection (6) of section 12.

(4) Any seed distributed under a contract of any kind, on commission or as a premium shall comply fully with the Act and these regulations.

(5) When seed screenings are stored in the same premises as seed for sale, they shall be labelled "Screenings".

(6) In the case of hay and pasture mixtures the combined quantity of other crop seeds that are not required to be marked on the container, tag or label under section 12, shall not exceed fifteen per cent by weight of the mixture.

Schedule A**KINDS OF CROP SEEDS TO WHICH THE ACT APPLIES**

- Alfalfa—*Medicago sativa* L., *M. falcata* L.
- Artichoke—*Cynara scolymus* L.
- Asparagus—*Asparagus officinalis* L. var. *altilis* L.
- Barley—*Hordeum vulgare* L., *Hordeum distichon* L.
- Beans—*Phaseolus vulgaris* L.
- Beans, broad—*Vicia faba* L.
- Beans, lima—*Phaseolus limensis* MacF.
- Beans, runner—*Phaseolus coccineus* L.
- Beet—*Beta vulgaris* L.
- Bentgrass, creeping—*Agrostis palustris* Huds.
- Bentgrass, velvet—*Agrostis canina* L.
- Bird's-foot trefoil—*Lotus corniculatus* L.
- Black medick—*Medicago lupulina* L.
- Bluegrass, annual—*Poa annua* L.
- Bluegrass, Canada—*Poa compressa* L.
- Bluegrass, Kentucky—*Poa pratensis* L.
- Broccoli—*Brassica oleracea* L. var. *botrytis* L.
- Browntop (Colonial or P.E.I. bentgrass)—*Agrostis tenuis* Vasey.
- Bromegrass—*Bromus inermis* Leyss.
- Brussels sprouts—*Brassica oleracea* L. var. *gemmifera* (DC.) Zenker.
- Buckwheat, common—*Fagopyrum esculentum* Moench.
- Buckwheat, Tartarian—*Fagopyrum tataricum* (L.) Gaertn.
- Cabbage—*Brassica oleracea* L. var. *capitata* L.
- Cabbage, Chinese—*Brassica chinensis* L., *B. pekinensis* Rupr.
- Cantaloupe—*Cucumis melo* L.
- Cardoon—*Cynara cardunculus* L.
- Carrot (cultivated)—*Daucus carota* L. var. *sativa* DC.
- Cauliflower—*Brassica oleracea* L. var. *botrytis* L.

Seeds Act—continued

- Celeriac—*Apium graveolens* var. *rapaceum* DC.
 Celery—*Apium graveolens* L.
 Celtuce—*Lactuca sativa* L.
 Chervil—*Chaerophyllum bulbosum* L.
 Chick pea—*Cicer arietinum* L.
 Chicory (cultivated)—*Cichorium intybus* L.
 Chives—*Allium schoenoprasum* L.
 Citron—*Citrullus vulgaris* Schrad. var. *citroides* Bailey.
 Clover, alsike—*Trifolium hybridum* L.
 Clover, crimson—*Trifolium incarnatum* L.
 Clover, red—*Trifolium pratense* L.
 Clover, hop—*Trifolium dubium* Sibth., *T. procumbens* L., *T. agrarium* L.
 Clover, ladino—*Trifolium repens* L.
 Clover, strawberry—*Trifolium fragiferum* L.
 Clover, subterranean—*Trifolium subterraneum* L.
 Clover, sweet—*Melilotus alba* Desr., *M. officinalis* (L.) Lam.
 Clover, white—*Trifolium repens* L.
 Collards—*Brassica oleracea* L. var. *acephala* DC.
 Corn (field, squaw, sweet)—*Zea mays* L.
 Corn, pop—*Zea mays* var. *everta* (Sturt.) Bailey.
 Cornsalad—*Valerianella olitoria* (L.) Poll.
 Cowpea—*Vigna sinensis* (Torner) Savi.
 Cress, garden—*Lepidium sativum* L.
 Cress, water—*Nasturtium officinale* R. Br.
 Crested dogtail—*Cynosurus cristatus* (L.) Gaertn.
 Cucumber—*Cucumis sativus* L.
 Dandelion (cultivated)—*Taraxacum officinale* Weber.
 Dill—*Anethum graveolens* L.
 Eggplant—*Solanum melongena* L.
 Emmer—*Triticum dicoccum* Schrank.
 Endive—*Cichorium endivia* L.
 Fescue, Chewing's—*Festuca rubra* var. *commutata* Gaud.
 Fescue, creeping red—*Festuca rubra* L.
 Fescue, fine-leaved—*Festuca ovina* var. *tenuifolia* (L.) Sibth.
 Fescue, hard—*Festuca ovina* var. *duriuscula* (L.) Koch.
 Fescue, meadow—*Festuca elatior* L.
 Fescue, red—*Festuca rubra* L.
 Fescue, sheep's—*Festuca ovina* L.
 Fescue, tall—*Festuca arundinacea* Schreb.
 Fescue, various-leaved—*Festuca heterophylla* Lam.
 Flax, oil and fibre—*Linum usitatissimum* L.
 Gherkin—*Cucumis anguria* L.
 Kale—*Brassica oleracea* L. var. *acephala* DC.
 Kohlrabi—*Brassica oleracea* L. var. *gongylodes* L.
 Leek—*Allium porrum* L.
 Lentils—*Lens culinaris* Medic.
 Lespedeza (cultivated)—*Lespedeza* spp. Michx.
 Lettuce—*Lactuca sativa* L.
 Lupine (field)—*Lupinus* spp. (other than ornamental)
 Mangel—*Beta vulgaris* L.
 Meadow foxtail—*Alopecurus pratensis* L.

Seeds Act—*continued*

- Meadow grass, fowl—*Poa triflora* Gilib.
 Meadow grass, rough-stalked—*Poa trivialis* L.
 Meadow grass, wood—*Poa nemoralis* L.
 Millet, foxtail—*Setaria italica* (L.) Beauv.
 Millet, Japanese—*Echinochloa crusgalli* (L.) Beauv. var. *frumentacea* (Roxb.) Wight
 Millet, pearl—*Pennisetum glaucum* (L.) R.Br.
 Millet, proso—*Panicum miliaceum* L.
 Muskmelon—*Cucumis melo* L.
 Mustard (cultivated)—*Brassica hirta* Moench, *B. nigra* (L.) Koch, *B. juncea* (L.) Coss.
 Mustard, spinach—*Brassica perviridis* Bailey

 Oatgrass, tall—*Arrhenatherum elatius* (L.) Mert. and Koch
 Oats—*Avena sativa* L., *Avena nuda* L.
 Okra—*Hibiscus esculentus* L.
 Onion—*Allium cepa* L.
 Orchard grass—*Dactylis glomerata* L.

 Parsley—*Petroselinum crispum* Nym.
 Parsnip—*Pastinaca sativa* L.
 Peas (canning, field and garden)—*Pisum sativum* L.
 Pepper—*Capsicum frutescens* L.
 Pumpkin—*Cucurbita pepo* L. var. *melopepo* (L.) Alef.

 Radish—*Raphanus sativus* L.
 Rampion—*Campanula rapunculus* L.
 Rape (forage and oil-seed)—*Brassica napus* L., *B. campestris* L.
 Redtop—*Agrostis alba* L.
 Reed canary grass—*Phalaris arundinacea* L.
 Rhubarb—*Rheum rhaponticum* L.
 Rutabaga (swede)—*Brassica napobrassica* Mill.
 Rye—*Secale cereale* L.
 Ryegrass, annual—*Lolium multiflorum* Lam.
 Ryegrass, perennial—*Lolium perenne* L.

 Safflower—*Carthamus tinctorius* L.
 Sage—*Salvia officinalis* L.
 Sainfoin—*Onobrychis viciaefolia* Scop.
 Salisfy—*Tragopogon porrifolius* L.
 Savory—*Satureja hortensis* L.
 Sorghum—*Sorghum vulgare* Pers.
 Sorrel (cultivated)—*Rumex acetosa* L.
 Soybean—*Glycine max* (L.) Mert.
 Spelt—*Triticum spelta* L.
 Spinach—*Spinacia oleracea* L.
 Spinach, New Zealand—*Tetragonia expansa* Murr.
 Squash—*Cucurbita moschata* Duchesne, *C. maxima* Duchesne
 Sudan grass—*Sorghum vulgare* var. *sudanense* (Piper) Hitch.
 Sugar beet—*Beta vulgaris* L.
 Sunflower (cultivated)—*Helianthus annuus* L.
 Swiss chard—*Beta vulgaris* L. var. *cicla* L.

Seeds Act—continued

- Thyme—*Thymus vulgaris* L.
Timothy—*Phleum pratense* L.
Tobacco—*Nicotiana tabacum* L.
Tomato—*Lycopersicon esculentum* Mill.
Turnip—*Brassica rapa* L.

Vegetable marrow—*Cucurbita pepo* L.
Vetches—*Vicia sativa* L., *V. villosa* Roth., *V. pannonica* Crantz.
Vetch, kidney—*Anthyllis vulneraria* L.

Watermelon—*Citrullus vulgaris* Schrad.
Wheat, common—*Triticum aestivum* L.
Wheat, durum—*Triticum durum* Desf.
Wheatgrass, crested—*Agropyron cristatum* L., *A. desertorum* (Fisch.) Schult.
Wheatgrass, intermediate—*Agropyron intermedium* (Host) Beauv.
Wheatgrass, slender—*Agropyron trachycaulum* (Link.) Malte
Wheatgrass, tall—*Agropyron elongatum* (Host) Beauv.
Wild-rye, Russian—*Elymus junceus* Fisch.

Any other cultivated kind as may be required.

Schedule B

TABLES OF GRADE STANDARDS

TABLE 1.

Applicable to Wheat

1	2	3	4	5	6	7	8
Grade name	Maximum number of seeds per pound except where otherwise stated						Minimum per-centage germina-tion
	Noxious weed seeds		Total weed seeds	Seeds of other crops		Other Dis-tinguish-able Varieties	
	Primary	Primary plus secondary		Tartian buck-wheat*	Total other crops		
Registered No. 1...	0	0	3	0	0.5	1	85
Registered No. 2...	0	1 per bus.	10	1 per bus.	1	2	75
Registered No. 3...	0	1 per peck	10	1 per peck	2	2	65
Certified No. 1.....	0	1 per peck	10	1 per peck	1	5	85
Certified No. 2.....	0	2 per peck	15	2 per peck	2	10	75
No. 1 Seed.....	0	1	25	1	10	20	85
No. 2 Seed.....	1	3	50	3	25	30	75
No. 3 Seed.....	3	15	100	15	50	60	65

NOTE 1. *Seed graded or sold under this table in Manitoba, Saskatchewan, Alberta and British Columbia, shall be free from tartarian buckwheat (*Fagopyrum tataricum* L.)
2. Ergot (*Claviceps purpurea*) shall not be present in excess of 1 per two pounds in grade registered No. 1, 2 per pound in registered No. 2, or 4 per pound in registered No. 3.

Seeds Act—continued

TABLE 2.

Applicable to Barley, Buckwheat, Emmer, Lentil, Lupine, Oats, Rye, Sainfoin, Spelt and Vetches (except Kidney Vetch)

1	2	3	4	5	6	7	8	9
Grade Name	Maximum number of seeds per pound except where otherwise stated							Minimum per-centage germina-tion
	Noxious weed seeds		Total weed seeds	Addi-tional false wild oats allowed in oats	Seeds of other crops		Other dis-tinguish-able varie-ties	
	Pri-mary	Primary plus secondary			Tartarian buck-wheat*	Total other crops		
Registered No. 1	0	0	3	6	0	1	2	85
Registered No. 2	0	1 per bus.	10	10	1 per bus.	2	3	75
Registered No. 3	0	1 per peck	10	10	1 per peck	2	3	65
Certified No. 1..	0	3 per peck	10	10	3 per peck	5	5	85
Certified No. 2..	0	6 per peck	10	10	6 per peck	10	10	75
No. 1 Seed.....	0	1 (a)	25	10	1	100	25	85
No. 2 Seed.....	1	3 (b)	50	10	3	150	50	75
No. 3 Seed.....	3	15	100	10	15	250	100	65

NOTE 1. There may be allowed under column 3

- (a) One additional wild oats in No. 1 seed oats.
- (b) Six additional wild oats in No. 2 seed.

- *2. Seed graded or sold under this table in Manitoba, Saskatchewan, Alberta and British Columbia shall be free from tartarian buckwheat (*Fagopyrum tataricum* L.)
- 3. Ergot (*Claviceps purpurea*) shall not be present in excess of 1 per two pounds in grade regis-tered No. 1 barley, 2 per pound in registered No. 2 barley or 4 per pound in registered No. 3 barley; or 1 per pound in registered No.1 rye, 5 per pound in registered No. 2 rye or 10 per pound in registered No. 3 rye.

Seeds Act—continued

TABLE 3.

Applicable to Beans, Chick Pea, Corn (Pop, Squaw and Sweet), Cowpeas, Peas and Soybeans.

1	2	3	4	5	6	7	8
Grade name	Maximum number of seeds per pound					Minimum percentage germination	
	Noxious weed seeds		Total weed seeds	Seeds of other crops	Other distinguishable varieties	Peas and beans	Other kinds
	Primary	Primary plus secondary					
Registered No. 1.....	0	0	0	0	1	85	85
Registered No. 2.....	0	0	0	0	2	75	75
Registered No. 3.....	0	0	0	0	2	65	65
Certified No. 1.....	0	0	0	5	5	85	85
Certified No. 2.....	0	0	0	5	5	75	75
No. 1 Seed.....	0	0	1	5	15	80	85
No. 2 Seed.....	0	1	5	5	30	70	75
No. 3 Seed.....	1	5	10	10	50	60	65

NOTE.—When Sweet Corn, Garden Beans or Garden Peas, sold ungraded subject to section 6 of the Act, germinate less than 75 per cent, the percentage of germination shall be stated on the container.

TABLE 4.

Applicable to Fibre Flax.

1	2	3	4	5	6	7	8
Grade name	Maximum number of seeds per ounce					Minimum percentage	
	Noxious weed seeds		Total weed seeds	Seeds of other crops	Other distinguishable varieties	Pure seed	Germination
	Primary	Primary plus secondary					
Registered No. 1.....	0	0	3	0.5	0.3	98	90
Registered No. 2.....	0	0.5	5	1	0.5	97	75
Registered No. 3.....	0	1	10	2	0.5	95	65
Certified No. 1.....	0	2	10	5	1	98	90
Certified No. 2.....	0	3	15	10	2	95	75
No. 1 Seed.....	0	2	20	10	5	97	85
No. 2 Seed.....	1	5	35	15	25	95	75
No. 3 Seed.....	3	15	50	25	—	95	65

Seeds Act—continued

TABLE 5.

Applicable to Corn other than Pop, Squaw and Sweet Corn.

1	2	3	4	5	6	7	8
Class	Grade name	Maximum number per pound			Maximum percentage		Minimum percentage germination
		Weed seeds	Seeds of other crops	Kernels of other distinguishable varieties	Moisture	By count, kernels which do not conform to the size and shape marked (e.g. large flat)	
Hybrids, varietal crosses and open pollinated varieties.	Registered No. 1.	0	0	2	13	4	90
	Registered No. 2.	0	0	3	13	4	80
	Registered No. 3.	0	0	4	13	4	70
Open pollinated varieties....	Certified No. 1...	0	0	4	13	5	90
	Certified No. 2...	0	0	8	13	5	80
Imported hybrids and varietal crosses	No. 1 Seed.....	0	0	2	13	4	90
	No. 2 Seed.....	0	0	3	13	4	80
	No. 3 Seed.....	0	0	4	13	4	70
General seeds of commerce..	No. 1 Seed.....	0	1	4	14	5	85
	No. 2 Seed.....	0	2	8	14	5	75
	No. 3 Seed.....	0	5	12	14	5	65

TABLE 6

Applicable to Oil Flax, Sorghum and Sudan Grass.

1	2	3	4	5	6	7	8
Grade name	Maximum number of seeds per ounce					Minimum percentage	
	Noxious weed seeds		Total weed seeds	Seeds of other crops	Other distinguishable varieties	Pure seed in oil flax only	Germination
	Primary	Primary plus secondary					
Registered No. 1.....	0	0	3	0.5	0.3	98	85
Registered No. 2.....	0	0.5	5	1	0.5	97	75
Registered No. 3.....	0	1	10	2	0.5	95	65
Certified No. 1.....	0	0.5	5	1	1	98	85
Certified No. 2.....	0	1	10	2	5	95	75
No. 1 Seed.....	0	1	10	2	5	97	85
No. 2 Seed.....	0.5	3	25	5	15	95	75
No. 3 Seed.....	2	10	50	10	.....	95	65

NOTE 1. In seed of sorghum and Sudan grass the number of seeds of other crops and species may be: ten in No. 1 seed, twenty-five in No. 2 seed, and fifty in No. 3 seed.

2. The minimum percentage of germination for sorghum and Sudan grass shall be 70 per cent for No. 1 seed, 65 per cent for No. 2 seed and 60 per cent for No. 3 seed.

Seeds Act—continued

TABLE 7.

Applicable to Sunflower.

1	2	3	4	5	6	7
Grade Name	Maximum number of seeds per pound					Minimum percent-age germination
	Weed Seeds	Seeds of other crops	Purple Seeds	White Seeds	Other distinguishable varieties (total)	
Registered No. 1.....	0	0	1	1	4	90
Registered No. 2.....	0	1	3	3	9	80
Registered No. 3.....	0	3	5	5	15	70
Certified No. 1.....	0	1	3	3	9	85
Certified No. 2.....	0	3	5	5	15	75
No. 1 Seed.....	0	5	.....	.....	15	85
No. 2 Seed.....	0	5	.....	.....	30	75
No. 3 Seed.....	2	10	.....	.....	50	65

NOTE 1. Columns 4, 5, and 6 shall not apply to hybrid sunflowers.
2. Registered and certified grades shall be practically free from sclerotia.

TABLE 8.

Applicable to Oilseed Rape and Oilseed Safflower.

1	2	3	4	5	6
Grade name	Maximum number of seeds per ounce			Maximum percentage by weight of seeds of other crops	Minimum percentage germination
	Noxious weed seeds		Total weed seeds		
	Primary	Primary plus secondary			
Certified No. 1.....	0	2	50	0.5	80
Certified No. 2.....	0	5	100	1	70
No. 1 Seed.....	0	5	100	0.5	80
No. 2 Seed.....	5	20	200	1	70
No. 3 Seed.....	20	80	300	2	60

NOTE.—May contain up to 5 and 50 additional Indian mustard (*Brassica juncea*) seeds in No. 2 Seed and No. 3 Seed respectively under column 2.

Seeds Act—continued

TABLE 9.

Applicable to Alfalfa, Lespedeza, Millets and Sweet Clover.

1	2	3	4	5	6	7	8
Grade name	Maximum number of seeds per ounce except where otherwise stated						Minimum per-centage germination
	Noxious weed seeds		Total weed seeds	Sweet clover	Seeds of other crops	Other distinguishable varieties	
	Primary	Primary plus secondary					
Registered No. 1.	0	1*	25	1	10	1	90
Registered No. 2.	0	2	50	1	50	2	80
Registered No. 3.	0	5	100	1	50	2	70
Certified No. 1...	0	2	50	2	50	5	80
Certified No. 2...	0	5	100	5	75	10	70
No. 1 Seed.....	0	5	100	50	2% by weight	2% by weight	80
No. 2 Seed.....	5	15	200	100	3% by weight	3% by weight	70
No. 3 Seed.....	10	50	300	Less than 1% by weight	Less than 5% by weight	.....	60

NOTE.—Column 5 does not apply to Sweet Clover seed graded under this table.
*2.—Registered No. 1 Alfalfa seed shall not contain seeds of stinkweed (*Thlaspi arvense* L.).

TABLE 10.

Applicable to Crimson, Red and Subterranean Clovers and Kidney Vetch.

1	2	3	4	5	6	7
Grade Name	Maximum number of seeds per ounce, except where otherwise stated					Minimum per- centage germi- nation
	Noxious weed seeds		Total Weed seeds	Sweet clover	Seeds of other crops	
	Primary	Primary plus secondary				
Registered No. 1.....	0	1	50	1	20	80
Registered No. 2.....	0	2	75	1	100	70
Registered No. 3.....	0	5	100	1	100	60
Certified No. 1.....	0	2	75	2	1% by weight	80
Certified No. 2.....	0	5	100	5	2% by weight	70
No. 1 Seed.....	0	5	100	50	2% by weight	80
No. 2 Seed.....	5	15	200	100	3% by weight	70
No. 3 Seed.....	10	50	300	Less than 1% by weight	Less than 5% by weight	60

NOTE. An additional 100 seeds of green foxtail in No. 2 seed and No. 3 seed may be allowed under column 4.

Seeds Act—continued

TABLE 11.

Applicable to Alsike, Hop, Ladino, Strawberry and White Clovers, Bird's-foot Trefoil and Black medick.

1	2	3	4	5	6	7
Grade name	Maximum number of seeds per ounce except where otherwise stated					Minimum per-centage germination
	Noxious weed seeds		Total weed seeds	Sweet clover	Seeds of other crops	
	Primary	Primary plus secondary				
Registered No. 1.....	0	1	25	1	20	80
Registered No. 2.....	0	2	50	1	100	70
Registered No. 3.....	0	5	100	1	100	60
Certified No. 1.....	0	2	50	2	1% by weight	80
Certified No. 2.....	0	5	100	5	2% by weight	70
No. 1 Seed.....	0	10	100	50	2% by weight	80
No. 2 Seed.....	5	30	200	100	3% by weight	70
No. 3 Seed.....	10	75	300	Less than 1% by weight	Less than 5% by weight	60

- NOTE 1. An additional 100 seeds of green foxtail in No. 2 seed and No. 3 seed may be allowed under column 4.
2. For bird's-foot trefoil the minimum percentage of germination shall be 70 per cent for No. 1 seed, 60 per cent for No. 2 seed and 55 per cent for No. 3 seed.

Seeds Act—continued

TABLE 12.

Applicable to Timothy.

1	2	3	4	5	6	7	8
Grade name	Maximum number of seeds per ounce except where otherwise stated					Maximum per-centage by count dehulled seeds	Minimum per-centage germination
	Noxious weed seeds		Total weed seeds	Sweet clover	Seeds of other crops		
	Primary	Primary plus secondary					
Registered No. 1.	0	1	25	1	20	35	80
Registered No. 2.	0	2	50	1	100	60	70
Registered No. 3.	0	5	100	1	100	100	60
Certified No. 1...	0	2	50	2	1% by weight	50	80
Certified No. 2...	0	5	100	5	2% by weight	75	70
No. 1 Seed.....	0	5	100	50	2% by weight	50	80
No. 2 Seed.....	5	20	200	100	Less than 5% by weight	75	70
No. 3 Seed.....	20	75	300	Less than 1% by weight	Less than 5% by weight	100	60

Seeds Act—continued

TABLE 13.

Applicable to Annual Ryegrass (Italian and fluorescent types), Bromegrass, Chewing's Fescue, Creeping Red Fescue, Crested wheatgrass, intermediate Wheatgrass, Meadow Fescue, Meadow Foxtail, Orchard Grass, perennial Ryegrass, Red Fescue, Reed Canary Grass, Russian Wild-Rye, Slender Wheatgrass, Tall Fescue, Tall Oatgrass, Tall Wheatgrass.

1	2	3	4	5	6	7
Grade name	Maximum number of seeds per ounce except where otherwise stated					Minimum per-centage pure living seed
	Noxious weed seeds		Total weed seeds	Sweet clover	Seeds of other crops	
	Primary	Primary plus secondary				
Registered No. 1.....	0	1	25	1	10	75
Registered No. 2.....	0	2	50	2	50	65
Registered No. 3.....	0	5	100	5	50	55
Certified No. 1.....	0	2	50	2	1% by weight	75
Certified No. 2.....	0	5	100	5	2% by weight	65
No. 1 Seed.....	0	5	100	50	2% by weight	75
No. 2 Seed.....	5	20	200	100	3% by weight	65
No. 3 Seed.....	10	50	200	Less than 1% by weight	Less than 5% by weight	55

NOTE 1.—Perennial Ryegrass shall not contain more than 10 per cent by count of fluorescent seeds
2.—The minimum percentage of pure living seed for No. 1 Seed and No. 2 Seed of Crested Wheatgrass, Intermediate Wheatgrass, Reed Canary Grass and Tall Oatgrass in column 7 shall be 70 per cent and 60 per cent respectively.

Seeds Act—continued

TABLE 14.

Applicable to Annual Bluegrass, Browntop (Colonial or P.E.I. Bent), Canada Bluegrass, Creeping Bentgrass, Crested Dogtail, Fine-Leaved Fescue, Fowl Meadow Grass, Hard Fescue, Kentucky Bluegrass, Redtop, Rough-Stalked Meadow Grass, Sheep's Fescue, various leaved Fescue, Velvet Bentgrass, Wood Meadow Grass.

1	2	3	4	5	6	7
Grade name	Maximum number of noxious weed seeds per ounce		Maximum percentage by weight		Minimum percentage pure living seed	
	Primary	Primary plus secondary	Total weed seeds	Seeds of other crops	Kentucky and Canada bluegrass	Other kinds
Registered No. 1.....	0	10	0.2	1	70	70
Registered No. 2.....	1	20	0.5	2	60	60
Registered No. 3.....	2	20	0.8	2	50	50
Certified No. 1.....	4	30	0.5	1	70	70
Certified No. 2.....	8	40	0.8	2	60	60
No. 1 Seed.....	4	50	0.5	3	65	70
No. 2 Seed.....	8	100	1.0	Less than 5%	55	60
No. 3 Seed.....	16	200	1.5	Less than 5%	50	50

TABLE 15.

Applicable to Hay and Pasture Mixtures.

1	2	3	4	5	6
Grade name	Maximum number of seeds per ounce except where otherwise stated				Minimum percentage germination for each ingredient
	Noxious weed seeds		Total weed seeds	Sweet clover	
	Primary	Primary plus secondary			
No. 1 Mixture.....	2	10	100	50	75
No. 2 Mixture.....	10	30	200	100	65
No. 3 Mixture.....	15	75	Less than 1% by weight	Less than 1% by weight	55

NOTE 1.—Mixtures of grass seeds not designated by the sender as lawn or turf grass mixtures shall be graded under this table.

2.—Column 5 does not apply to mixtures containing 1 per cent or more of sweet clover seed.

Seeds Act—continued

TABLE 16

Applicable to Lawn and Turf Green Mixtures.

PART A

1	2	3	4	5
Grade name	Maximum number per ounce of noxious weed seeds	Maximum percentage by weight of total weeds seeds	Minimum Percentage	
			Pure seed	Germination of each ingredient
No. 1 mixture.....	50	0.5	85	65
No. 2 mixture.....	100	1.0	80	55
No. 3 mixture.....	200	1.5	70	50

PART B

The following further standards apply to Lawn and Turf Grass Mixtures. Such mixtures shall contain—

1	2	3	4	5	6	7
Grade Name	Not less than	Not more than				
	30 per cent by weight singly or combined of	50 per cent by weight of	35 per cent by weight of	30 per cent by weight singly or combined of	5 per cent by weight of	Percentage by weight of other kinds not specified in this table
No. 1 mixture.	Browntop (colonial or P.E.I. bentgrass..... Chewing's fescue..... Creeping bentgrass..... Creeping red fescue..... Kentucky bluegrass..... Rough-stalked meadow grass..... Velvet bentgrass..... Wood meadow grass....	Canada bluegrass	Redtop	Crested dogtail... Annual ryegrass.. Fine-leaved fescue.... Hard fescue Perennial ryegrass.. Sheep's fescue.....	White clover	3 per cent singly or 5 per cent combined
No. 2 mixture.	The same as for No. 1 mixture except in columns 5 and 7			and Fairway crested		5 per cent 10 per cent combined
No. 3 mixture.	The same as for No. 1 mixture except in columns 5 and 7.			wheatgrass and..... Meadow fescue.....		

- NOTE 1. Mixtures claimed to be for shady places shall contain not less than 40% by weight singly or combined of—chewing's fescue, creeping red fescue, rough-stalked meadow grass, wood meadow grass.
2. Mixtures containing over 3% of Fairway crested wheatgrass shall not be graded higher than No. 2 mixture.

Seeds Act—continued

TABLE 17

Applicable to Beet, Sugar Beet, Mangel and Swiss Chard.

1	2	3	4	5	6
Grade name	Maximum number of seeds per pound				Minimum percentage germination
	Noxious weed seeds		Total weed seeds	Seeds of other crops	
	Primary	Primary plus secondary			
Registered No. 1.....	0	2	10	5	75
Registered No. 2.....	1	5	20	10	65
Registered No. 3.....	2	10	30	20	65
Certified No. 1.....	0	5	20	10	75
Certified No. 2.....	2	20	50	20	65
No. 1 seed.....	1	10	20	10	75
No. 2 seed.....	2	20	50	20	75
No. 3 seed.....	2	30	100	30	75

NOTE: One head of mayweed per pound in addition to “total weed seeds” may be allowed in sugar beet seed.

TABLE 18.

Applicable to Cantaloupe, Citrus, Cucumber, Gherkin, Muskmelon, Pumpkin, Squash, Vegetable Marrow, and Watermelon.

1	2	3	4	5	6	7
Grade name	Maximum number of seeds per ounce					Minimum percentage germination
	Noxious weed seeds		Total weed seeds	Seeds of other crops	Other distinguishable varieties	
	Primary	Primary plus secondary				
Registered No. 1....	0	0	0	0	0	80
Registered No. 2....	0	0	0	0	0	75
Registered No. 3....	0	0	0	0	0	60
Certified No. 1.....	0	1	1	1	1	80
Certified No. 2.....	0	1	2	2	3	75
No. 1 Seed.....	0	0	1	1	2	80
No. 2 Seed.....	0	1	2	2	3	75
No. 3 Seed.....	0	2	5	5	6	75

Seeds Act—continued

TABLE 19.

Applicable to Broccoli, Brussels Sprouts, Cabbage, Cauliflower, Collards, Kale, Kohlrabi, Mustard (cultivated), Radish, Rape (except Oilseed Rape), Rutabaga (swede), Spinach Mustard, and Turnip.

1	2	3	4	5	6	7
Grade name	Maximum number of seeds per ounce					Minimum percentage germination
	Noxious weed seeds		Total weed seeds	Seeds of other crops	Other distinguishable varieties	
	Primary	Primary plus secondary				
Registered No. 1....	0	2	5	5	3	80
Registered No. 2....	1	5	15	10	10	70
Registered No. 3....	2	10	25	20	15	60
Certified No. 1.....	0	5	20	10	10	80
Certified No. 2.....	2	20	50	20	20	70
No. 1 Seed.....	1	10	30	10	10	80
No. 2 Seed.....	2	20	50	20	20	75
No. 3 Seed.....	2	50	100	30	30	75

Seeds Act—continued

TABLE 20

Applicable to Vegetables and Herbs listed in this table.

1	2	3	4	5	6
Grade name	Maximum number of seeds per ounce				
	Noxious weed seeds		Total weed seeds	Seeds of other crops	Other distinguishable varieties (a)
	Primary	Primary plus secondary			
Registered No. 1.....	0	3	10	5	3
Registered No. 2.....	1	5	15	10	10
Registered No. 3.....	2	10	25	20	15
Certified No. 1.....	0	5	20	10	10
Certified No. 2.....	2	20	50	20	20
No. 1 seed.....	1	10	25	10	10
No. 2 seed.....	2	20	50	20	20
No. 3 seed.....	2	50	100	30	30

NOTE (a) Under column six “other distinguishable varieties”, there may be allowed 20, 75, and 150 white seeded in black seeded lettuce or vice versa in No. 1 seed, No. 2 seed, No. 3 seed respectively.

MINIMUM PERCENTAGE GERMINATION

Artichoke.....	75	Cress, water.....	35	Rampion.....	55
Asparagus.....	75	Dandelion.....	55	Rhubarb.....	65
Cardoon.....	55	Dill.....	50	Sage.....	50
Carrot.....	55	Eggplant.....	65	Salsify.....	75
Celeriac.....	55	Endive.....	75	Savory.....	50
Celery.....	55	Leek.....	65	Sorrel.....	65
Celtuce.....	75	Lettuce.....	80	Spinach.....	65
Chervil.....	75	Okra.....	55	Spinach, New Zealand...	50
Chicory.....	65	Onion.....	75	Thyme.....	50
Chives.....	65	Parsley.....	65	Tobacco.....	75
Cornsalad.....	75	Parsnip.....	60	Tomato.....	75
Cress, garden.....	75	Pepper.....	65		

Seeds Act—continued

TABLE 21

Applicable to Dutch Sets and multiplier Onions.

1	2	3	4
Grade Name	Size square mesh screen	Variety and colour	General quality
No. 1 seed....	Diameter $\frac{3}{8}$ " to $\frac{7}{8}$ "	Not less than 98% one variety and colour.	Mature, well cured, sound, free from decay and dry. Practically free from tops, dirt, leaves or other foreign matter, from disease and moulds and from insect, mechanical, frost or other damage. Practically free from sprouted and soft bulbs when graded.
No. 2 seed....	Diameter $\frac{3}{8}$ " to $1\frac{1}{8}$ "	Not less than 95% one variety and colour	Mature, well cured, sound, free from decay and reasonably dry. Reasonably free from tops, dirt, leaves or other foreign matter, from disease and moulds and from insect, mechanical, frost or other damage. Reasonably free from soft bulbs and containing not more than 3% sprouts when graded.
No. 3 seed....	Diameter $\frac{3}{8}$ " to $1\frac{1}{8}$ "	Not less than 90% one variety and colour.	Mature, well cured, sound, free from decay and reasonably dry. Reasonably free from tops, dirt, leaves or other foreign matter, from disease and moulds and from insect, mechanical, frost or other damage. Reasonably free from soft bulbs and containing not more than 3% sprouts when graded.

NOTE 1. The size standards under column 2 do not apply to multiplier onions.
2. Onion sets may be labelled "pin-head" onion sets when they conform to the standards specified in the table and when the diameter of the sets is not more than $\frac{2}{8}$ inches.

Schedule C

CLASSIFICATION OF WEED SEEDS

Class 1. Prohibited Noxious Weed Seeds applicable under all tables of Schedule B.

- Dodder—*Cuscuta* spp.
- Field bindweed—*Convolvulus arvensis* L.
- Halogeton—*Halogeton glomeratus* (M. Bieb.) C. A. Meyers
- Hoary cress—*Cardaria* spp.
- Leafy spurge—*Euphorbia esula* L.
- Russian knapweed—*Centaurea repens* L.

Class 2. Primary Noxious Weed Seeds applicable under all tables of Schedule B.

- Bladder campion—*Silene cucubalus* Wibel
- Couch grass—*Agropyron repens* (L.) Beauv.
- Darnel—*Lolium* spp. other than *L. perenne* L. and *L. multiflorum* Lam.
- Forked catchfly—*Silene dichotoma* Ehrh.
- Great ragweed—*Ambrosia trifida* L.
- Johnson grass—*Sorghum halepense* (L.) Pers.
- Ox-eye daisy—*Chrysanthemum leucanthemum* L.
- Perennial sow thistle—*Sonchus arvensis* L.
- Red cockle—*Lychnis dioica* L.
- Toad flax—*Linaria* spp.
- White cockle—*Lychnis alba* Mill.

Seeds Act—continued

Wild mustard—*Brassica kaber* (DC.) Wheeler var. *pinnatifida* (Stokes) Wheeler (*B. arvensis* (L.) Rabenh.), *B. juncea* (L.) Cosson, *B. nigra* (L.) Koch, and *B. campestris* L.
 Wild radish—*Raphanus raphanistrum* L.

Class 3. Secondary Noxious Weed Seeds applicable under all tables of Schedule B.

Ball mustard—*Neslia paniculata* (L.) Desv.
 Blue weed—*Echium vulgare* L.
 Canada thistle—*Cirsium arvense* (L.) Scop.
 Chicory—*Cichorium intybus* L.
 Common ragweed—*Ambrosia artemisiifolia* L. var. *elatio* (L.) Descourtils.
 Cow cockle—*Saponaria vaccaria* L.
 Dock—*Rumex crispus* L. and *Rumex obtusifolius* L.
 Dog mustard—*Erucastrum gallicum* (Willd.) O. E. Schulz.
 Downy brome grass—*Bromus tectorum* L.
 False flax—*Camelina* spp.
 False ragweed—*Iva xanthifolia* Nutt.
 Field peppergrass—*Lepidium campestre* (L.) R. Br.
 Flixweed—*Descurainia sophia* (L.) Webb.
 Hare's ear mustard—*Conringia orientalis* (L.) Dumort.
 Hoary alyssum—*Berteroa incana* (L.) DC.
 Night-flowering catchfly—*Silene noctiflora* L.
 Perennial ragweed—*Ambrosia psilostachya* DC. var. *coronopifolia* (T. and G.) Farw.
 Poverty weed—*Iva axillaris* Pursh.
 Purple cockle—*Agrostemma githago* L.
 Ribgrass—*Plantago lanceolata* L.
 Russian thistle—*Salsola kali* L. var. *tenuifolia* Tausch.
 Stickseed—*Lappula echinata* Gilib.
 Stinkweed—*Thlaspi arvense* L.
 Tumbling mustard—*Sisymbrium altissimum* L.
 Wild carrot—*Daucus carota* L.
 Wild oats—*Avena fatua* L.
 Winter cress—*Barbarea* spp.
 Yellow cress—*Rorippa* spp.

Class 4. Secondary Noxious Weed Seeds applicable under Tables 14 and 16 of Schedule B.

The weed seeds named in Class 3 hereof and in addition:

Chickweed, common—*Stellaria media* L.
 Chickweed, mouse-ear—*Cerastium* spp.
 Common plantain—*Plantago major* L.
 Crabgrass—*Digitaria* spp.
 Dandelion—*Taraxacum* spp.
 Ground ivy—*Glechoma hederacea* L.
 Heal-all—*Prunella vulgaris* L.
 Knotweed—*Polygonum aviculare* L.
 Pale plantain—*Plantago rugelii* Dcne.
 Panic grass—*Panicum* spp.

Seeds Act—continued

Class 5. Other Weed Seeds.

- Amaranth—*Amaranthus* spp.
- American pennyroyal—*Hedeoma pulegioides* (L.) Pers.
- Aster—*Aster* spp.
- August flower—*Leontodon autumnalis* L.
- Avens—*Geum* spp.
- Barley, wild—*Hordeum jubatum* L.
- Barnyard grass—*Echinochloa crusgalli* (L.) Beauv.
- Beckman's grass—*Beckmannia syzigachne* (Steud.) Fern.
- Bedstraw—*Galium* spp.
- Beggartick—*Bidens* spp.
- Bergamot—*Monarda* spp.
- Bird's foot—*Ornithopus* spp.
- Blue-eyed grass—*Sisyrinchium* spp.
- Blue field madder—*Sherardia arvensis* L.
- Bromegrass—*Bromus* spp. other than *B. inermis* Leyss and *B. tectorum* L.
- Buckwheat, wild—*Polygonum convolvulus* L.
- Bugle weed—*Lycopus virginicus* L.
- Buttercup—*Ranunculus* spp.
- Canary grass—*Phalaris* spp. other than reed canary grass (*P. arundinacea* L.)
- Catnip—*Nepeta cataria* L.
- Cats' ear—*Hypochaeris radicata* L.
- Chamomile—*Matricaria* spp.
- Chess—*Bromus secalinus* L.
- Chickweed—*Stellaria* and *Cerastium* spp.
- Cinquefoil—*Potentilla* spp.
- Clover—*Trifolium* spp. other than those listed in Schedule A.
- Corn gromwell—*Lithospermum* spp.
- Cornsalad—*Valerianella* spp.
- Crabgrass—*Digitaria* spp.
- Dandelion—*Taraxacum* spp.
- Dock—*Rumex* spp. other than *R. acetosella* L., *R. crispus* L., and *R. obtusifolius* L.
- Dragonhead, American—*Dracocephalum parviflorum* Nutt.
- Evening primrose—*Oenothera* spp.
- Eyebright—*Euphrasia* spp.
- False wild oat—*Avena sativa* mut. *fatuoid* Huskins and Fryer.
- Fleabane—*Erigeron* spp.
- Forget-me-not—*Myositis* spp.
- Foxtail, green—*Setaria viridis* (L.) Beauv.
- Foxtail, yellow—*Setaria lutescens* (Weigel) F. T. Hubb.
- Foxtail grass—*Alopecurus* spp. other than *A. pratensis* L.
- Gaillardia—*Gaillardia* spp.
- Gaura—*Gaura* spp.
- Gentian—*Gentiana* spp.
- Geranium—*Geranium* spp.
- Goldenrod—*Solidago* spp.
- Ground cherry—*Physalis* spp.
- Groundsel—*Senecio* spp.
- Gumweed—*Grindelia* spp.
- Hairgrass—*Aira* and *Deschampsia* spp.

Seeds Act—continued

- Hawk's beard—*Crepis* spp.
 Hawkweed—*Hieracium* spp.
 Heal-all—*Prunella vulgaris* L.
 Hedge bindweed—*Convolvulus sepium* L.
 Hedge nettle—*Stachys palustris* L.
 Hemp nettle—*Galeopsis tetrahit* L.
 Hyssop—*Agastache* spp.
 Knotweed—*Polygonum* spp. other than those named elsewhere.
 Lady's thumb—*Polygonum persicaria* L. and *P. lapathifolium* L.
 Lamb's quarters—*Chenopodium* spp.
 Lettuce, blue—*Lactuca pulchella* (Pursh) DC.
 Lettuce, prickly—*Lactuca scariola* L.
 Licorice, wild—*Glycyrrhiza lepidota* (Nutt.) Pursh
 Loosestrife—*Lythrum* spp.
 Lupine, wild—*Lupinus* spp.
 Lyme grass—*Elymus* spp. except *E. junceus* Fisch.
 Mallow—*Malva* spp.
 Manna grass—*Glyceria* spp.
 Marsh elder—*Iva* spp. other than *I. axillaris* Pursh and *I. xanthifolia* Nutt.
 Mayweed—*Anthemis* spp.
 Meadow rue—*Thalictrum* spp.
 Milk vetch—*Astragalus* spp.
 Mint, wild—*Mentha* spp.
 Motherwort—*Leonurus cardiaca* L.
 Mustard, hedge—*Sisymbrium officinale* (L.) Scop.
 Mustard, Loesel's—*Sisymbrium loeselii* L.
 Mustard, tansy—*Descurainia* spp. other than *D. sophia* (L.) Webb
 Mustard, tower—*Arabis* spp.
 Mustard, wormseed—*Erysimum cheiranthoides* L.
 Nipple-wort—*Lapsana communis* L.
 Orach—*Atriplex* spp.
 Ox-tongue—*Picris* spp.
 Panic grass—*Panicum* spp.
 Paspalum grass—*Paspalum* spp.
 Peppergrass—*Lepidium* spp. other than *L. campestre* (L.) R.Br.
 Phlox—*Phlox* spp.
 Plantain—*Plantago* spp. other than *P. lanceolata* L.
 Poppy—*Papaver* spp.
 Purslane—*Portulaca oleracea* L.
 Rattail fescue—*Festuca myuros* L.
 Rocket—*Eruca sativa* Lam.
 Rough hairgrass—*Agrostis hiemalis* (Walt.) BSP.
 Rush—*Juncus*, *Eleocharis* and *Luzula* spp.
 Rushgrass—*Sporobolus* spp.
 Russian pigweed—*Axyris amaranthoides* L.
 Sandwort—*Arenaria* spp.
 Sand spurrey—*Spergularia* spp.
 Scarlet pimpernel—*Anagallis arvensis* L.
 Sedge—*Cyperaceae* spp.
 Sheep sorrel—*Rumex acetosella* L.
 Shepherd's purse—*Capsella bursa-pastoris* L.
 Sleepy catchfly—*Silene antirrhina* L.
 Sow-thistle, annual—*Sonchus oleraceus* L.

Seeds Act—continued

Sow-thistle, spiny-leaved—*Sonchus asper* (L.) Hill
 Speargrass—*Stipa* spp.
 Speedwell—*Veronica* spp.
 Spider flower—*Cleome* spp.
 Spiny sida—*Sida spinosa* L.
 Spurge—*Euphorbia* spp. other than *E. esula* L.
 Spurrey—*Spergula arvensis* L.
 St. John's wort—*Hypericum* spp.
 Star-thistle—*Centaurea* spp. other than *C. repens* L.
 Sunflower—*Helianthus* spp. other than cultivated.
 Sweetgrass—*Hierochloe odorata* (L.) Beauv.
 Tarweed—*Madia* spp. (See Gumweed)
 Thistle—*Cirsium* spp. other than *C. arvense* (L.) Scop.
 Three-seeded mercury—*Acalypha* spp.
 Velvet grass—*Holcus lanatus* L.
 Velvet leaf—*Abutilon theophrasti* Medic.
 Vernal grass—*Anthoxanthum* spp.
 Vervain—*Verbena* spp.
 Vetch, wild—*Vicia* spp. other than those listed in Schedule A.
 Wallflower—*Erysimum* spp. other than *E. cheiranthoides* L.
 Water hemlock—*Cicuta* spp.
 Wheatgrass—*Agropyron* spp. other than *A. repens* (L.) Beauv., *A. cristatum* (L.) Gaertn., *A. trachycaulum* (Link.) Malte, *A. intermedium* (Host) Beauv., *A. desertorum* (Fisch.) Schult., *A. elongatum* (Host) Beauv.
 Whitlow grass—*Draba* spp.
 Wild oatgrass—*Danthonia* spp.
 Wild rose—*Rosa* spp.
 Wolfberry—*Symphoricarpos occidentalis* Hook.
 Wood sorrel—*Oxalis* spp.
 Yarrow—*Achilea millefolium* L.
 Yellow daisy—*Rudbeckia hirta* L.
 Any other weedy species as may be required.

Schedule D

FEEs FOR SERVICES

I. Seed Crop Inspection

1. The minimum fees are:

- (a) for hybrid corn, \$5.00 for each farm visited and an additional fee of fifty cents per acre for any excess over five acres inspected;
- (b) for all other seed crops \$2.00 for each inspection visit and an additional fee of ten cents per acre for any excess over twenty acres inspected;
- (c) for a member of an officially recognized boys and girls farm club, \$1.00 when the area inspected does not exceed five acres; and
- (d) for inspection of seed crops for disease, \$2.00 per inspection visit and an additional fee of ten cents per acre for any excess over twenty acres inspected; these fees are payable in addition to any fee prescribed elsewhere herein.

2. No fee shall be charged for the inspection of vegetable and root crops grown for seed production.

Seeds Act—concluded*II. Seed Inspection*

1. The minimum fees are:

- (a) for barley, beans, buckwheat, corn, emmer, oats, peas, rye, soybeans, spelt and wheat one and one half cents per bushel;
- (b) for flax and millet two cents per bushel;
- (c) for alfalfa, clovers and grasses, ten cents per hundred pounds;
- (d) for any other seed, the estimated cost of the service;
- (e) for each inspection visit, \$2.00.

2. No fee shall be charged for the inspection of seed of vegetable and root crops.

III. Seed Testing

1. The minimum fees per sample are:

- (a) for barley, beans, buckwheat, corn, emmer, flax, oats, peas, rye, soybeans, spelt, wheat and root and vegetable seeds, 75 cents;
- (b) for alfalfa, clovers, agricultural grasses and mixtures thereof, \$1.00;
- (c) for lawn and turf grasses, \$1.50;
- (d) for lawn and turf grass mixtures, \$3.50;
- (e) for any other seed, \$1.00; and
- (f) for a percentage pure seed test, except for grasses, 50 cents.

IV. Certificates and Reports

1. The fee for a control sample certificate issued on a Customs or official sample is the amount prescribed for seed testing for the kind of seed.

2. The fee for a certificate of origin is 25 cents.

3. The fee for a certificate of weight is \$1.00 if the weight is checked when the seed is inspected, otherwise the fee shall be \$3.00.

4. The fee to accompany the application for a registration control number shall be as prescribed in section 7.

5. The fee for each extra copy of a control sample certificate, a seed inspection certificate, a seed crop certificate, or a certificate of origin, is 25 cents.

V. General

1. When the fee listed herein for any service is less than the estimated cost of that service, the fee may be the estimated cost of the service.

2. The fee for any service not listed herein may be the estimated cost of the service.

SMALL LOANS ACT. (R.S.C., 1952, c. 251)

Regulations respecting the computation of cost of interest

P.C. 15

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 4th day of January, 1940.

PRESENT:

THE DEPUTY OF HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS The Small Loans Act, 1939, is declared by section 22 thereof to come into force on the 1st day of January, 1940;

AND WHEREAS Section 21 of the said Act authorized the Governor in Council to make regulations deemed necessary for the efficient enforcement and operation of the Act and for carrying out its provisions according to their true intent and meaning and for the better attainment of its objects;

AND WHEREAS it is deemed desirable to enact as a regulation under the said section the following for the purposes above set forth;

NOW, THEREFORE the Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of Finance, is pleased to make the following regulation, as a regulation under the said section, to have force and effect on and from the first day of January, 1940, and it is hereby made and established accordingly:—

REGULATION

For the purpose of computing the amount of cost or interest for a portion of a month the number of days in such portion shall be multiplied by one-thirtieth of the amount of the cost or interest for a full month.

SOLDIER SETTLEMENT ACT. (R.S.C., 1927, c. 188)

Soldier Settlement Loan Regulations

P.C. 217

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 30th day of January, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Veterans Affairs and pursuant to the provisions of the Soldier Settlement Act, is pleased to order as follows:

1. The Orders in Council listed hereunder which were made under the Soldier Settlement Act, are hereby revoked:

P.C. 2587 dated 30 December, 1919, as amended;

P.C. 468 dated 1 March, 1920;

Soldier Settlement Act.—*continued*

P.C. 845 dated 15 March, 1921, as amended;
P.C. 325 dated 13 February, 1922;
P.C. 69 dated 23 January, 1925, as amended;
P.C. 2433 dated 4 January, 1928;
P.C. 820 dated 16 May, 1928;
P.C. 847 dated 23 May, 1928;
P.C. 1283 dated 19 July, 1929;
P.C. 1776 dated 28 July, 1937;
P.C. 2173 dated 8 September, 1938.

2. The following regulations, to be known as The Soldier Settlement Loan Regulations, are hereby made and established in substitution for the Orders in Council hereby revoked:

THE SOLDIER SETTLEMENT LOAN REGULATIONS

1. These regulations may be cited as *The Soldier Settlement Loan Regulations*.

INTERPRETATION

2. In these regulations, unless the context otherwise requires, the expression

- (a) "Act" means the Soldier Settlement Act and amendments thereto;
- (b) "Minister" means the Minister of Veterans Affairs;
- (c) "Director" means the Director of Soldier Settlement;
- (d) "migrant" means a settler contemplated by the British agreement dated the twentieth day of August, one thousand, nine hundred and twenty-four, between His Majesty's Secretary of State for the Colonies, of the one Part, and the Government of the Dominion of Canada, of the other Part.

PROCEDURE UPON DEFAULT OF SETTLER

3. Where a sale of any property has been made to a settler whereon any balance of the sale price remains payable by instalments or otherwise, or where any advances made or granted to or on behalf of a settler are repayable on the instalment plan or otherwise, and

- (a) any instalment or payment is not punctually made by the settler when the same is due; or
- (b) the settler makes any other default in performance of the terms and conditions subject to which such sale is made or advances granted as the case may be, whether such terms and conditions are expressly stated or otherwise implied in any agreement of sale, mortgage, charge or other document executed by the settler in connection with such sale or advance, or whether provided by the Act and regulations thereunder,

the Director may rescind the agreement of sale or take all the steps necessary to sell or foreclose under such mortgage, charge or other document, as the case may be, in order to recoup himself for his expenditures in connection with the acquirement of the property and advances, if any, made to or on behalf of the settler.

Soldier Settlement Act.—continued

4. Before exercising as respecting the land purchase agreement the right of rescission by the Act given, the Director shall give to the settler notice of his intention to do so, which notice shall be in writing over the signature of the Director or an officer acting for him, and such notice shall be deemed duly given if mailed in any Post Office by registered letter addressed to the settler at his last address known to the Director, thirty clear days before the Director acts thereunder;

Provided that in case the settler is deceased such notice shall be deemed duly given if mailed in any Post Office by registered letter addressed to any person or persons upon whom in the event of the death of the settler the rights acquired by him under the Act devolve, pursuant to the provision of subsection two of section fifty-nine of the Act, at his or their last address known to the Director, or in case of such person or persons or his or their address being unknown to the Director, then generally to the heirs, devisees or personal representatives of the deceased without describing them by name, at the last address of the deceased known to the Director or, in the discretion of the Director, by publishing such notice thirty clear days before acting thereunder by a single insertion in one of the newspapers circulating in the district in which the land affected is situate;

Provided that no notice whatsoever shall be deemed necessary to the Director fully exercising his rights under section twenty-two or subsection two of section fifty-nine of the Act where any instrument purporting to be a quit claim deed or assignment to the Director is executed by the settler or by a duly appointed legal representative or committee of a deceased or insane settler.

Settlers on unpatented Dominion Lands

5. In the event of a settler on unpatented Dominion Lands on which a charge has been created as provided by the Act being in default with respect to the terms of any agreement or document executed to or with the Director, the District Superintendent may give such settler thirty days' notice in writing before an application is made to the Minister pursuant to the provisions of section twenty-seven of the Act for the transfer of such land to the Director, of the Director's intention to so apply.

Notice may be mailed to settler upon rescission of agreement

6. Where an agreement of sale is rescinded as aforesaid, the District Superintendent may apprise the settler by notice in writing, either served on the settler in person or mailed to his last address known to the Director.

7. The effect of subsection five of section four of the Soldier Settlement Act is to make lands held by the Director as a corporation sole and lands sold under agreement for sale subject to taxation by the local taxing authorities. There are however other lands which have reverted to the Director not held by any person under agreement for sale, which were acquired or are held for settlement purposes and as settlement thereof is facilitated by the public services provided by local taxing authorities, the Minister in charge of Soldier Settlement is authorized when he deems it to be in the public interest to make grants to taxing authorities in an amount not exceeding the tax assessment which might be imposed where the occupants served the lands such as would bring them within the category defined by subsection five of section four of the Soldier Settlement Act.

Soldier Settlement Act.—*continued*

DISPOSAL OF LANDS

Sales of Lands to be evidenced by agreement

8. All sales of land made by the Director as herein provided whereon any balance of the sale price shall remain payable by instalments or otherwise, shall be evidenced by agreement of sale in the form prescribed by the Director, which shall set forth the terms of sale and shall contain such other provisions as the Director may deem desirable for the protection of his security.

Inspection of land acquired by retaking

9. It shall be the duty of the District Superintendent to cause inspection and reappraisal to be made of lands under his jurisdiction acquired or reacquired by the Director by retaking as provided by the Act, because of default or otherwise, as well as of other lands acquired by the Director which, after a period satisfactory to the Director, have not been disposed of to soldier settlers in a manner provided by the Act and regulations thereunder in order that such further action may be taken with respect to disposal of such lands as is hereinafter provided or as may be otherwise determined by the Director.

Sale of lands to general public by tender

10. Any land reacquired by the Director by retaking because of default or otherwise, or any land, the manner of disposal of which is not otherwise prescribed and which, having been acquired by the Director by purchase or otherwise as portion of one or more other parcels, or otherwise, is not deemed suitable for Soldier Settlement, or which, although being considered suitable, has not been disposed of to settlers within a period satisfactory to the Director, may, unless the Director shall otherwise determine, be posted by the District Superintendent for sale by public tender or auction, in the discretion of the Director, to be disposed of subject to the terms and conditions hereinafter mentioned.

Public notice of proposed sale

11. No land offered for sale by public tender or auction by the Director shall be sold until notice that it is to be offered for sale upon a date to be set forth in the notice has been posted for at least fifteen days in the office of the District Superintendent for the District within which the land is situated and has been given such other publicity as the Director may deem necessary.

Tender to be accompanied by deposit

12. The Director may require that each tender submitted in response to notice as aforesaid shall be accompanied by an accepted cheque or postal or express money order or cash, for one-tenth of the amount tendered or for such other sum as may be satisfactory to the Director. Such sum, or any portion thereof, may be declared forfeited, in the discretion of the Director, where the tender is accepted but the tenderer refuses to proceed with his application to purchase.

Soldier Settlement Act.—continued*Sale to highest tenderer*

13. Except as herein otherwise provided or as may be otherwise determined by the Director, the land offered for sale by public tender or auction shall be sold to the highest tenderer or bidder, if the amount of such tender or bid is acceptable to the Director, provided that in the case of land retaken pursuant to default or otherwise, which is deemed suitable for Soldier Settlement, and on which no improvements have been effected or residence performed by the settler from whom it was retaken, or where the residence performed or improvements effected by the settler are of such character that in the opinion of the Director they do not entitle him to any special consideration, the land may be disposed of under the terms of the Act to a qualified settler applying for the same at the cost of the land to the Director, as determined by the Director, any higher tender received notwithstanding.

Terms of payment in case of sale to other than settlers

14. The terms of payment for any land sold to other than settlers under the Act shall unless otherwise determined by the Director, be all cash down or, at the option of the Director such per centum of the purchase price payable in cash at the time of sale as the Director may prescribe, and the balance in twenty-five or less equal, consecutive, annual instalments with interest at five per centum per annum on the amortization plan. Effective the standard date 1937 the interest rate on all sales of land made prior to December 29, 1936, to other than settlers under the Act shall be reduced to five per centum provided such reduction does not involve a refund in repaid loans.

Private sale of certain lands

15. Any land coming within the scope of regulation ten of these regulations

(a) which remains undisposed of after having been offered for sale as provided by the said section; or

(b) with respect to which the Director may so direct;

may be listed for sale at the office of the local District Superintendent to be available for sale to the first person applying for the same who is prepared to buy such land at the price satisfactory to the Director and subject to the terms and conditions prescribed by these regulations, provided that no such land may be sold at less than cost of same to the Director unless the sale price is approved by the Governor in Council.

DECEASED AND INSANE SETTLERS

Heirs, etc., must furnish assurance of willingness to carry out obligations

16. When a settler dies indebted to the Director, under an agreement of sale or otherwise, with respect to any property or to any advance charged upon any property, his heirs, devisees or personal representatives, upon whom pursuant to the provisions of the Act the rights acquired by the deceased under the Act or the former Act devolve, shall furnish the Director with Letters Probate of the Will or Letters of Administration of the estate of the deceased, as the case may be, or a duly certified copy thereof, and shall furnish any assurance or undertaking the Director may deem

Soldier Settlement Act.—*continued*

necessary, by way of execution of any document required in that connection or otherwise, that they are prepared to perform all the obligations of the deceased to the Director with respect to such property or such advance.

Transfer of right by heirs, etc.

17. In the event of the death of a settler, as aforesaid, and upon his heirs, devisees or personal representatives, as the case may be, furnishing evidence satisfactory to the Director as to their rights under the Act so provided, the Director may grant authority in writing to such heirs, devisees or personal representatives, as the case may be, to assign or transfer the right of the deceased devolving upon them to any person satisfactory to the Director subject to the approval of the Director, and upon the assignment or transfer being approved by the Director, such rights shall devolve upon such assignee, but subject to all rights, claims and charges of the Director respecting or affecting the property involved, and subject to performance by the assignee of all the obligations of the deceased with respect to such property or advance, and default on the part of the assignee with respect to any right, claim or charge of the Director shall have the same effect as would default on the part of the settler but for his death.

Insane settlers

18. In the event of any person who is indebted to the Director, under an agreement of sale or otherwise, with respect to any property or to any advance charged upon any property becoming insane or mentally incapable and, by reason of such insanity or mental incapacity, unable to carry on his obligations to the Director, the guardian or committee of the said person or any person who, in the event of his death, would be entitled as his legal representative to do so, shall be required to perform all the obligations of the settler with respect to such property or advance; but the Director may, in his discretion, dispense with the residence requirements if, in his opinion, the circumstances so justify and the Director's security is not impaired thereby; and upon the fulfilment of the requirement and the repayment of the indebtedness of the settler to the Director the title to the property the settler is purchasing may be conveyed by the Director to such settler.

MIGRANTS

Lands to be set aside

19. The Director may, for the purpose of settling migrants, set aside any surplus farm or farms owned by him not affected by a prior claim of a soldier settler who applied for the same.

Advances for stock and equipment and other purposes

20. The Director may sell to the migrants locating on lands owned by the Director any surplus stock and equipment on his hands. Advances for stock and equipment, seed and feed and other purchases under agreement for migrants may be made only in the case of such migrants as are approved by the Imperial Government and with respect to whom the Imperial Government has agreed to reimburse the Dominion Government under the terms of the agreement, all such advances being made out of the appropriation for Soldier Land Settlement, or General Land Settlement.

Soldier Settlement Act.—*continued*

Report shall be made to the Imperial Government with respect to the sums so disbursed and refund requested of the sums so paid. Upon the receipt of the amounts payable by the Imperial Government, the sums so received shall be deposited by the Director with the Receiver General to the credit of the fund from which the advances have been made and shall be available for redisbursement. Any administrative expenditures in connection with the agreement undertaken by the Dominion Government shall be chargeable to the appropriation for Soldier Land Settlement, or for General Land Settlement.

Maximum advances

21. The total advances of all descriptions to any migrant, including the value of the land and British advances, shall not exceed seven thousand five hundred dollars in the case of any one settler.

Terms of repayment of advances

22. All advances to migrants shall be payable by migrants with interest amortized at a rate not exceeding five per cent per annum in twenty-five equal, annual payments, and the first instalment of repayment by a migrant in respect to any advances made to him shall be due twelve months after the October following the date of his taking up his farm, provided, however, where necessary the repayment date or dates may be modified.

Advances to form charge on land

23. All advances made to each migrant under the agreement shall be secured by a lien against the land, improvements, and all chattel property supplied.

24. The Director shall keep a separate account of the sums received on account of repayments of all advances whether in kind or in cash, and shall render to the Secretary of State for the Colonies, at the end of each quarter or at such other intervals as may be jointly arranged, an officially certified account of the sums for the last quarter period, and shall pay to or to the account of the Secretary of State for the Colonies with respect to each migrant the proportionate amount as due to the Secretary of State.

25. The Director shall in all matters relating to advances and repayment and otherwise be governed by the terms of the agreement.

26. No title to land or title to other property purchased with the advances under the agreement shall be given to a settler until he has completely repaid his debt, with interest, with respect to land, stock and equipment, and has also repaid any debt in respect to the cost of his transportation; provided that where the Director considers it desirable, he may grant the settler title to any part of the property covered by the advances made under the agreement on taking full security from the migrant on the remaining property for the full amount of any existing indebtedness (with interest, if any) or the Director may otherwise dispose of any portion of the property in order to protect the interests of both parties to the agreement. In the event of such disposal of any property purchased with advances made by the Secretary of State, the Director undertakes to render to the Secretary of State an officially certified account

Soldier Settlement Act.—concluded

of the said disposal of the property and shall, if required, pay to or to the account of the Secretary of State the whole of the amount realized from time to time by the said disposal.

27. Adjustments shall be made in sterling and, for the purposes of the agreement, current rates of exchange shall be adopted.

28. The Director shall cause the accounts referred to in the agreement to be audited once in each year by the Auditor General, and shall furnish the Secretary of State with a copy of his certificate and report.

SPECIAL OPERATORS WAR SERVICE BENEFITS ACT.

(R.S.C., 1952, c. 256)

No regulations have been made under this statute.

STATISTICS ACT. (R.S.C., 1952, c. 257)**Regulations *re* transmission of certain statistics by mail**

P.C. 1954-1257

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 25th day of August, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Postmaster General and pursuant to section 9 of the Statistics Act, is pleased to order as follows:

1. The regulations governing the free transmission of statistics collected by provincial government departments and intended also for the use of the Dominion Bureau of Statistics, established by Order in Council P.C. 6376 of 21st December, 1949, are hereby revoked; and

2. The following regulations are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING THE FREE TRANSMISSION BY MAIL OF STATISTICS
COLLECTED BY PROVINCIAL GOVERNMENT DEPARTMENTS

1. All forms, schedules and returns sent to a provincial government department and forms used by clergymen, medical doctors and others in making returns of births, marriages, deaths and communicable diseases, when approved by the Dominion Bureau of Statistics and when available by arrangement under the Statistics Act for the use of the Bureau, shall be free of Canada postage.

2. To be admitted to the privilege of free transmission, all such items shall have the following words printed clearly and legibly on every form or envelope, as the case may be:

Dominion Statistics—Free
Penalty for improper use—\$50

3. If registration is required on any such item the usual registration fee shall be prepaid by stamps in every case.

SUPERVISORS WAR SERVICE BENEFITS ACT.

(R.S.C., 1952, c. 258)

No regulations have been made under this statute.

SUPREME COURT ACT. (R.S.C., 1952, c. 259)

Under section 103 of the Supreme Court Act general rules have been made by the Judges of the Court for regulating the procedure of and in the Court, etc. The Rules of the Supreme Court of Canada, may be obtained from the Queen's Printer, Ottawa.

TARIFF BOARD ACT. (R.S.C., 1952, c. 261)

No regulations have been made under this statute. All decisions of the Tariff Board in cases brought before it are published in Part I of the *Canada Gazette*.

TERMS OF UNION OF NEWFOUNDLAND WITH CANADA

(1949, First Session, c. 1)

	Page
1. <i>Regulations re annual licences to export fish from Newfoundland</i>	2725
2. <i>Regulations relating to the fisheries of Newfoundland</i>	2726
1. Regulations re annual licences to export fish from Newfoundland P.C. 1954-957	

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 24th day of June, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the powers conferred by paragraph (3) of Term 22 of the Terms of Union of Newfoundland with Canada, is pleased to approve the annexed "Regulations respecting Annual Licences to export fish from Newfoundland", made by the Newfoundland Fisheries Board pursuant to section 9 of the Newfoundland Fisheries Board Act, 1936 to 1944, and the said regulations are hereby approved, accordingly.

**REGULATIONS RESPECTING ANNUAL LICENCES TO EXPORT FISH FROM
NEWFOUNDLAND**

1. In these regulations,
 - (a) "Board" means the Newfoundland Fisheries Board;
 - (b) "fish" means salted fish of any of the following kinds, namely, codfish, haddock, hake, ling, pollock and cusk;

Terms Of Union Of Newfoundland With Canada.—*continued*

- (c) "licence" means an annual licence to export fish from Newfoundland that is issued by the Board; and
- (d) "sale" means a sale relating to the export marketing of fish from Newfoundland to other countries or to any province of Canada.

2. An application for a licence shall be made in writing to the Board on such form and in such manner as may be requested or approved by the Board.

3. In order to qualify for a licence, an applicant shall satisfy the Board that he will handle or produce, during the term for which the licence is to be issued, at least the equivalent of one thousand dry quintals of fish on each of the premises to which the licence shall apply and which are owned or operated by the applicant and approved by the Board.

4. A licence shall apply in respect of the premises indicated on the licence by endorsement by the Board.

5. (1) All persons to whom licences are issued shall participate, to the full extent of their collections of fish, in any sales made by the Newfoundland Associated Fish Exporters Limited and shall do so in accordance with instructions received, from time to time, from the Newfoundland Associated Fish Exporters Limited.

(2) All sales of fish shall be made by or through the Newfoundland Associated Fish Exporters Limited.

(3) All persons to whom licences are issued shall comply with instructions received, from time to time, from the Newfoundland Associated Fish Exporters Limited with respect to declarations of stocks, preparation, packing, marketing and any other matter connected with the sale and export of fish.

(4) This section does not apply to sales of fish in wet salted or in pickled state or to sales of salt fish fillets if such sales are made to other provinces of Canada or to the United States mainland.

6. All persons to whom licences are issued shall comply with instructions received, from time to time, from the Board with respect to declarations of stocks, preparation, packing, marketing and any other matter connected with the sale and export of fish.

7. The Board may cancel, suspend or alter any licence if it is satisfied that any of its terms or any conditions imposed by these regulations have not been complied with.

8. The conditions respecting qualifications for licences made by the Board and approved by the Governor in Commission on September 2, 1944, and the notice respecting conditions binding upon licensees given by the Board on August 26, 1947, are revoked.

2. Regulations relating to the Fisheries of Newfoundland

Regulations relating to the fisheries of Newfoundland made pursuant to the Statutes of Newfoundland were continued in force by paragraph (1) of Term 18 of the Terms of Union until the Parliament of Canada should otherwise provide, and by paragraph (2) of Term 22 "fisheries laws" as defined in Term 22 were continued in force for a period of five years from the date of Union and thereafter until the Parliament of Canada should otherwise provide.

Terms Of Union Of Newfoundland With Canada—Concluded

These regulations have been omitted from this Consolidation as, at the time of going to press, measures had been initiated with a view to having the Fisheries Act proclaimed in Newfoundland and the regulations re-enacted under that Act or other statutory authority. The following is a list of the titles of the fisheries regulations in force in Newfoundland on January 1, 1955. Information respecting these regulations may be obtained on application to the Department of Fisheries, Ottawa.

The Department of Natural Resources Acts, 1934-44

1. The Codfish Canning (Licensing) Regulations, 1946.
2. Codfishery Regulations.
3. Cod, Seal, Whale and Herring Oil Export Regulations.
4. Export Packages for Salted Fish Regulations.
5. Lobster Fishery and Packing Regulations.
- 5a. Order *re* Lobster Fishery Prohibited Area.
6. Processed Fish (Licensing) Regulations, 1944.
- 6a. Order *re* Conditions in respect of Licences.
7. Processed Fish (Filleting and Freezing) Regulations, 1946.
8. Salmon Fishery and Packing Regulations.
- 8a. Order *re* Mesh of Salmon Traps and Nets in Halls Bay.
9. Seal Meat Packing Regulations.
10. Squid Fishery Regulations.
11. Turbot Fishery Regulations.

The Fish Oil and Meal Act, 1938

Regulation *re* Herring Oil and Meal Manufacturing Licence.

Newfoundland Fisheries Board Acts, 1936-44

1. Codfish Report Regulations, 1945.
2. Fish Culling Regulations.
3. Grading and Inspection of Salted Fish for Export Regulations.
4. Herring Regulations.
5. Regulations *re* Licence Fee under Newfoundland Fisheries Board Act.
6. Regulations *re* Qualifications and Conditions for Export Licences.
7. Regulations *re* Reports by Salt Codfish Exporters.
8. Regulations *re* Publication of Exporters' Reports.
9. Notice *re* Export of Dried Squid.
10. Rule *re* Licence Payments to Salt Codfish Association.
11. Notice *re* Exporters *re* Newfoundland Associated Fish Exporters Ltd.

TERRITORIAL LANDS ACT. (R.S.C., 1952, c. 263)

	Page
1. <i>Mining, Land and Timber Districts, Northwest Territories</i>	2728
2. <i>Territorial Quarrying Regulations</i>	2731
3. <i>Territorial Lands Regulations</i>	2735
4. <i>Territorial Timber Regulations</i>	2742
5. <i>Territorial Oil and Gas Regulations</i>	2751
6. <i>Northwest Territories Quartz Mining Regulations</i>	2774
7. <i>Northwest Territories Placer Mining Regulations</i>	2813
8. <i>Dredging Regulations</i>	2826
9. <i>Territorial Coal Regulations</i>	2830

1. Mining, Land and Timber Districts, Northwest Territories

P.C. 1039

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 26th day of February, 1952.

PRESENT:

HIS EXCELLENCY THE ADMINISTRATOR IN COUNCIL

His Excellency the Administrator in Council, on the recommendation of the Acting Minister of Resources and Development and by virtue of the powers conferred by the Territorial Lands Act, is pleased, hereby to revoke Order in Council P.C. 2385 of 12th May, 1949, relating to the Mining, Land and Timber Districts of the Northwest Territories and the boundaries thereof, and, in substitution therefor, to order as follows:

1. The territorial lands in the Northwest Territories are hereby divided into Mining, Land and Timber Districts as set forth hereunder, namely:

- (a) Three Mining Districts to be called—
Yellowknife Mining District,
Mackenzie Mining District,
Arctic and Hudson Bay Mining District;
- (b) Three Land Districts to be called—
Yellowknife Land District,
Mackenzie Land District,
Arctic and Hudson Bay Land District; and
- (c) Three Timber Districts to be called—
Yellowknife Timber District,
Mackenzie Timber District,
Arctic and Hudson Bay Timber District.

2. Yellowknife Mining District, Yellowknife Land District, and Yellowknife Timber District each shall comprise the area described in Schedule "A" hereto.

3. Mackenzie Mining District, Mackenzie Land District, and Mackenzie Timber District each shall comprise the area described in Schedule "B" hereto.

Territorial Lands Act.—*continued*

4. Arctic and Hudson Bay Mining District, Arctic and Hudson Bay Land District, and Arctic and Hudson Bay Timber District each shall comprise the area described in Schedule "C" hereto.

5. The Office of the Yellowknife Mining District, the Yellowknife Land District and the Yellowknife Timber District shall be located at Yellowknife in the Northwest Territories.

6. (1) The Office of the Mackenzie Mining District shall be located at Yellowknife in the Northwest Territories.

(2) The Office of the Mackenzie Land District and the Mackenzie Timber District shall be located at Fort Smith in the Northwest Territories.

7. The Office of the Arctic and Hudson Bay Mining District, the Arctic and Hudson Bay Land District, and Arctic and Hudson Bay Timber District shall be located at the City of Ottawa in the Province of Ontario.

Schedule "A"

YELLOWKNIFE MINING DISTRICT

YELLOWKNIFE LAND DISTRICT

YELLOWKNIFE TIMBER DISTRICT

Description

Commencing at the intersection of the 120th degree of west longitude with the north shore of Banks Island; thence in a south-easterly direction and following the sinuosities of the shore of the said island to Russell Point; thence southeasterly in a straight line to Peel Point on Victoria Island; thence following the north and easterly shores of Victoria Island to Pelly Point; thence easterly and in a straight line to Cape Adelaide Regina, on the west shore of Boothia Peninsula; thence in a southerly direction and following the sinuosities of the shore of the Arctic Ocean to the intersection of the said shore with the right bank of the Back River; thence upstream following the said right bank of the said river and connecting waterways to its intersection of the right bank of Buchanan River; thence upstream and following the said right bank of the said Buchanan River to the portage between the said Buchanan River and the Tibielik River; thence south-easterly and along the said portage to its intersection of the height of land between the waters of the Thelon River and Back Rivers; thence south-westerly along the said height of land to its intersection of the 64th parallel of north latitude; thence west along the said 64th parallel of north latitude to its intersection of the east shore of Clinton-Golden Lake; thence southerly following the easterly shore of Clinton-Golden Lake, Ptarmigan Lake and Artillery Lake to its intersection of the 63rd parallel of north latitude; thence long the 63rd parallel of north latitude to its intersection of the 108th degree of west longitude; thence south along the 108th degree of west longitude to its intersection of the 62nd degree of north latitude; thence west and along the said 62nd degree of north latitude to the south shore of the Great Slave Lake; thence south-westerly and following the sinuosities of the said shore of the Great Slave Lake to Grant Point; thence north-westerly in a straight line to the intersection of the

Territorial Lands Act.—*continued*

south-westerly shore of the north arm of the Great Slave Lake with the 62nd degree of north latitude; thence west along the said 62nd degree of north latitude to its intersection of the 120th degree of west longitude; thence north to the point of commencement.

Schedule "B"

MACKENZIE MINING DISTRICT

MACKENZIE LAND DISTRICT

MACKENZIE TIMBER DISTRICT

Description

Commencing at the intersection of the 120th degree of west longitude with the north shore of Banks Island; thence following the sinuosities of the north and westerly shores of the Banks Island to Cape Kellett; thence southerly and in a straight line to the intersection of the right bank of the Horton River with the main shore of the Arctic Ocean; thence westerly and following the sinuosities of the said main shore of the Arctic Ocean to the intersection by the said shore of the westerly boundary of the Northwest Territories; thence southerly and southeasterly following the said westerly boundary to its intersection of the south boundary of the Northwest Territories (being the 60th parallel of north latitude); thence easterly and following the said 60th parallel to its intersection of the east boundary of Range 10 west of the 5th initial meridian of the Dominion Lands Surveys System; thence north and along the said east boundary of Range 10 to its intersection of the 34th base line of the Dominion Lands Survey System, being the north boundary of Township 132; thence easterly and along the said 34th base line to its intersection of the centre of the main channel of the Nyarling River; thence downstream and following the centre of the main channel of the Nyarling River to its junction with the centre of the main channel of the Little Buffalo River; thence following upstream the centre of the main channel of the said Little Buffalo River to its intersection of the 60th parallel of north latitude; thence east and along the said 60th parallel to its intersection of the west bank of Selwin Lake; thence northerly and along the west bank of the said Selwin Lake to the northerly extremity of the said Selwin Lake; thence by a right line over the height of land to the southern extremity of Wholdaia Lake; thence northerly and along the west bank of the said Wholdaia Lake, the left bank of the Dubawnt River and connecting Waterways to a point where the south bank of Beverly Lake intersects the height of land between the Dubawnt and Thelon Rivers; thence southwesterly and following the height of land between the Dubawnt and Thelon Rivers to its intersection with the 63rd parallel of north latitude; thence due west following the said 63rd parallel of north latitude to its intersection of the 108th degree of west longitude; thence south and along the 108th degree of west longitude to its intersection with the 62nd degree of north latitude; thence west and along the said 62nd degree of north latitude to the south shore of the Great Slave Lake; thence south-westerly and following the sinuosities of the said shore of the Great Slave Lake to Grant Point; thence northwesterly in a straight line to the intersection of the southwesterly shore of the north arm of the Great Slave Lake with the 62nd degree of north latitude; thence west along the said 62nd degree of north latitude to its intersection of the 120th degree of west longitude; thence north to the point of commencement.

Territorial Lands Act.—*continued*

Schedule "C"

ARCTIC AND HUDSON BAY MINING DISTRICT

ARCTIC AND HUDSON BAY LAND DISTRICT

ARCTIC AND HUDSON BAY TIMBER DISTRICT

Description

All that part of the Northwest Territories which lies to the north of the Mackenzie and Yellowknife mining districts and to the east of Yellowknife mining district.

2. Territorial Quarrying Regulations

P.C. 1954-435

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 25th day of March, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the Territorial Lands Act, is pleased to order as follows:

1. The Northwest Territories Sand and Gravel Regulations, established by Order in Council P.C. 2325 of 9th May, 1949, are hereby revoked;

2. The Territorial Quarrying Regulations, established by Order in Council P.C. 6420 of 29th November, 1951, are hereby revoked;

3. Subsection (4) of section 71 of the Northwest Territories Quartz Mining Regulations, established by Order in Council P.C. 2318 of 9th May, 1949, as amended, is hereby revoked; and

4. The annexed "Regulations governing the disposal of Territorial Lands containing limestone, granite, slate, marble, gypsum, marl, gravel, sand, clay, volcanic ash, or stone, in the Northwest Territories and Yukon Territory", are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING THE DISPOSAL OF TERRITORIAL LANDS CONTAINING
LIMESTONE, GRANITE, SLATE, MARBLE, GYPSUM, MARL, GRAVEL, SAND, CLAY,
VOLCANIC ASH, OR STONE, IN THE NORTHWEST TERRITORIES AND
YUKON TERRITORY

Short Title

1. These regulations may be cited as the *Territorial Quarrying Regulations*.

Territorial Lands Act.—*continued**Interpretation*

2. In these regulations,

- (a) “Crown” means Her Majesty in right of Canada;
- (b) “Department” means the Department of Northern Affairs and National Resources;
- (c) “Director” means the Director of the Northern Administration and Lands Branch of the Department of Northern Affairs and National Resources;
- (d) “dues” means all ground rents, royalties, duties, fees, rates, charges or other moneys payable by any person to the Crown under and by virtue of a lease or permit;
- (e) “mining recorder” means any employee of the Department or other person designated by the Minister to perform the duties of a mining recorder for a mining district;
- (f) “Minister” means the Minister of Northern Affairs and National Resources;
- (g) “municipality” includes a municipal district;
- (h) “permit” means a valid and subsisting permit issued under these regulations;
- (i) “permittee” means the holder of a permit issued under these regulations;
- (j) “territorial lands” means lands in the Northwest Territories or in the Yukon Territory that are vested in the Crown or of which the Government of Canada has power to dispose.

Application

3. These regulations apply only to territorial lands under the control, management and administration of the Minister.

Staking

4. (1) A person who desires to obtain a lease of territorial lands for the purpose of taking limestone, granite, slate, marble, gypsum, marl, gravel, sand, clay, volcanic ash or stone therefrom, shall stake such lands in the manner prescribed in this section.

(2) The area shall not exceed one hundred and sixty acres and the length thereof shall not exceed twice the breadth.

(3) The area staked shall be rectangular in form except where a boundary of a previously staked tract is adopted as common to both areas.

(4) The land shall be marked by the applicant with posts firmly fixed in the ground, one at each corner except in areas where there is no timber when rock cairns may be used in lieu of posts and where the land applied for is not rectangular, one post or cairn shall be placed at each corner thereof.

(5) Each post shall be at least four inches square and when firmly planted not less than four feet above the ground.

(6) Each post shall have the following markings: the number of the post, the name of the applicant, the kind of material which it is desired to remove, the date of staking and the number of feet from the previous post.

Territorial Lands Act.—*continued*

(7) When rock cairns are used they shall be well constructed and shall be not less than two feet high and two feet in diameter at the base and a metal container shall be built into the cairn as a receptacle for a notice bearing the number of the cairn, the name of the applicant, the kind of material which it is desired to remove, the date of staking and the number of feet from the previous cairn.

(8) In a timbered area the lines between the posts shall be clearly marked and in treeless areas mounds of earth or rock not less than two feet high and two feet in diameter at the base may be used.

(9) The applicant shall post a written or printed notice on the area selected setting out his intention to apply for a lease within the time prescribed by these regulations.

(10) If two or more persons apply for the same area, the person who first staked the area in accordance with these regulations shall, if a permit or lease may be issued, be entitled to priority.

Leases

5. Territorial lands containing limestone, granite, slate, marble, gypsum, marl, gravel, sand, clay, volcanic ash, or stone, may be leased by the Minister for the sole purpose of quarrying out or removing therefrom any such substances or materials.

6. (1) An application for a lease shall be filed with the mining recorder of the mining district in which the land is situated, within thirty days from the date upon which it was staked.

(2) Every application shall be accompanied by the fee for lease and the rental for the first year at the rate set out in the Schedule hereto.

(3) Every application for a lease shall be in duplicate and shall contain:

- (a) a description by metes and bounds of the land applied for;
- (b) the name of the materials that the applicant desires to remove from the area;
- (c) a sketch showing clearly the position of the parcel in relation to a survey monument, prominent topographical feature or other known point and showing in its margin, copies of the markings on the posts or cairns; and
- (d) an affidavit by the applicant that he has complied with all the provisions of these regulations and that the land contains, in merchantable quantities, material of the kind applied for.

7. The term of a lease shall not exceed ten years.

8. A lessee shall within such time from the date of the lease as the Minister may fix commence the removal of the material or materials in merchantable quantities from the area under lease and shall continue the removal of materials to an extent and in a manner satisfactory to the Minister.

Renewal of Lease

9. Where, in the opinion of the Minister the lessee has complied with the terms of his lease and the regulations in force from time to time during the currency of the lease, the Minister may renew the lease for a further term not exceeding ten years.

Territorial Lands Act.—*continued**Sand and Gravel for Residents*

10. Any person resident in Yukon Territory or Northwest Territories may take, without a permit or payment of any fees or dues, not more than fifteen cubic yards of sand, gravel or stone from territorial lands in any calendar year for his own use but not for barter or sale but no sand or gravel shall be taken under this section from any territorial lands if any interest in the surface rights of such land has been licensed, leased or otherwise disposed of by the Crown.

Permits

11. (1) A mining recorder, upon payment of the permit fee and royalties at the rate set out in the Schedule hereto, may issue to any person a permit authorizing him to take such quantity of the materials named in the permit from the lands described in that permit.

(2) A mining recorder may issue a permit without the payment of any fee or royalty to take such quantities as may be required of sand, gravel or stone to any of the following:

- (a) a department of the Government of Canada;
- (b) the Commissioner of the Northwest Territories;
- (c) the Commissioner of Yukon Territory;
- (d) any municipality in the Northwest Territories or Yukon Territory.

(3) Permits shall expire when the quantity of material or substances mentioned in the permit has been quarried out or removed, or on the expiry of one year from the date of issue of the permit, whichever is the sooner.

(4) A permit shall not be assigned.

(5) Where a permittee has not complied with these regulations or the conditions of his permit, the Minister may cancel the permit.

Under-rights

12. Where the area under a lease issued pursuant to these regulations is subject to an oil or gas permit or lease, mining claim, or other form of terminable grant affecting under-rights, the lease shall not authorize entry upon such area without the permission of the Minister first had and obtained and such permission shall be given subject to such conditions for the protection of the holder of the under-rights as may be considered necessary.

Fees and Royalties

13. Except as provided in these regulations, the material or materials obtained by each lessee or permittee shall be subject to the payment of royalties at the rate set out in the Schedule hereto.

<i>Schedule</i>	<i>Fees and Rates of Royalties</i>
Lease fee	\$5.00
Permit fee	1.00
Annual rental under lease per acre.....	1.00
Royalty on sand, gravel per cubic yard.....	10 cents
Royalty on building stone and other building materials per cubic yard.....	5 cents
Recording assignment of lease.....	5.00

Territorial Lands Act.—*continued*

3. Territorial Lands Regulations

P.C. 1954-533

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 8th day of April, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the Territorial Lands Act, is pleased to order as follows:

1. The Territorial Lands Regulations established by Order in Council P.C. 1359 of 21st March, 1951, are hereby revoked; and

2. The annexed "Regulations governing the administration and disposal of territorial lands in the Yukon Territory and Northwest Territories" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING THE ADMINISTRATION AND DISPOSAL OF
TERRITORIAL LANDS IN THE YUKON TERRITORY
AND NORTHWEST TERRITORIES

Short Title

1. These regulations may be cited as the *Territorial Lands Regulations*.

Interpretation

2. In these regulations:

- (a) "Act" means the Territorial Lands Act;
- (b) "agent" means any person employed in connection with the administration, management, sale or lease of territorial lands;
- (c) "Crown" means Her Majesty in right of Canada;
- (d) "Department" means the Department of Northern Affairs and National Resources;
- (e) "Director" means the Director of Northern Administration and Lands Branch of the Department of Northern Affairs and National Resources;
- (f) "dues" means all ground rents, royalties, duties, fees, rates, charges or other monies payable by any person to the Crown under and by virtue of a lease, licence or permit;
- (g) "grant" means letters patent under the Great Seal of Canada and any other instrument by which territorial lands may be granted in fee simple or for an equivalent estate;
- (h) "Minister" means the Minister of Northern Affairs and National Resources;
- (i) "permit" means a valid and subsisting permit issued under these regulations;

Territorial Lands Act.—*continued*

- (j) “permittee” means the holder of a permit issued under these regulations;
- (k) “territorial lands” means lands in the Northwest Territories or in the Yukon Territory that are vested in the Crown or of which the Government of Canada has power to dispose;
- (l) “Territories” means the Yukon Territory and Northwest Territories; and
- (m) “timber” means trees standing, fallen or cut.

Application

2. These regulations apply only to territorial lands under the control, management and administration of the Minister.

Staking of Unsurveyed Lands

4. A person who desires to lease or purchase territorial lands that are not surveyed, shall stake the lands he desires to lease or purchase, in the manner prescribed hereunder:

(1) Subject to subsection (10) the lands applied for shall be as nearly as possible in the form of a rectangle, the depth of which shall be at least equal to the breadth, but not greater than twice the breadth.

(2) The lands shall be marked by the applicant with four posts firmly fixed in the ground, one at each corner, but in case the land applied for is not rectangular, one post shall be placed at each corner thereof.

(3) Posts shall be numbered in consecutive order in the direction of the staking commencing with post number one.

(4) On the number one post shall be written a legible notice containing the number of the post, the full name of the applicant, the date of staking, the nature of the application, and the distance in feet to number two post and on all other posts shall be written a legible notice containing the number of the post, the full name of the applicant and the distance in feet to the next numbered post.

(5) The posts shall be of sound timber of sufficient length so that when firmly planted in the ground in an upright position, not less than four feet shall be above the ground and each post shall be of such a diameter that when squared or faced for eighteen inches from the top end, each face of the squared or faced portion shall be not less than four inches in width for the full eighteen inches.

(6) If a tree of suitable size is found in position, it may be made into a post by cutting the tree off not less than four feet from the ground, and by squaring and facing the upper eighteen inches, each face of the portion so squared or faced to be not less than four inches in width.

(7) In every case a mound of earth or stones will be erected around the base of the post, not less than three feet in diameter on the ground, and not less than eighteen inches high, cone shaped and well constructed.

(8) The lines joining the posts shall be well cut out and marked.

(9) When fronting on a river, navigable stream, lake or road, the land applied for shall be marked on such frontage by two posts firmly fixed in the ground, one at each end of the front boundary of the land and, in the case of a navigable river or stream or lake, set at least one hundred

Territorial Lands Act.—*continued*

feet from the ordinary high water mark; parallel lines shall be cut and cleared from each end of the front line, at right angles thereto, if possible, and shall extend back in one direction only to a depth at least equal to the dimension of the frontage but not greater than twice the dimension of the frontage.

(10) Where lands staked under subsection (9) are required for use in transportation, operation of aircraft, or other like purpose, the frontage of the parcel applied for may, with the permission of the Director, exceed the depth thereof.

Application to Purchase or Lease Territorial Lands

5. (1) An application, in duplicate, to purchase or lease territorial lands shall be made to an agent on a form prescribed by the Director, and shall be accompanied by a fee of five dollars, which shall be returned to the applicant if the application is not approved.

(2) Where an applicant to purchase a parcel of land has paid a deposit on account of the purchase price in excess of that required, the excess shall be remitted to him or be applied on account of the balance owing.

(3) If the territorial lands applied for have not been surveyed the application shall be filed with an agent within thirty days of staking.

6. The agent shall cause an inspection of the lands applied for to be made and shall in each case forward as soon as possible to the Director,

- (a) his recommendation,
- (b) a copy of the application, and
- (c) a copy of the inspector's report.

7. (1) If a dispute arises between persons who have each made application to purchase or lease the same territorial lands the agent shall make an investigation and obtain a statement of the facts from each of the applicants.

(2) The report of the agent together with the statements of facts shall be forwarded to the Director.

(3) The decision of the Minister respecting the order of priority to be given any such application shall be final, and the Minister may direct that any or all such applications be refused.

Sale of Territorial Lands

8. No territorial lands containing merchantable timber, or required for public purposes, shall be sold.

9. (1) An agreement for sale and a grant of territorial lands other than townsite lots shall contain the following reservations and conditions in addition to those prescribed by the Act:

- (a) a reservation of such part or parts of the lands as may from time to time be appropriated by the Commissioner in Council of the Yukon Territory, or the Commissioner in Council of the Northwest Territories, for the purpose of a public road or roads, in which event, if payment has been made for the said lands, a refund of the purchase money shall be made to the purchaser, his heirs, executors, administrators, successors or assigns, proportionate to the area of the lands so taken;

Territorial Lands Act.—*continued*

- (b) where, at any time subsequent to the sale of any lands having an area in excess of ten acres, such lands or any portion thereof are shown to be of value as a townsite, and the owner has subdivided the lands or any portion thereof into townsite lots, or the Crown with the consent of the owner has subdivided the lands or any portion thereof into townsite lots, it shall be a condition of the original sale that the Crown shall own one-third of the lots in such townsite;
- (c) where, at any time within ten years from the sale of any lands having an area in excess of ten acres, the same or any portion thereof is occupied or used as a townsite by the residents thereon at the rate of four hundred persons to a square mile, the Minister may have such lands subdivided into townsite lots and it shall be a condition of the original sale that the Crown shall own one-third of the lots in such townsite.

(2) Lots to which the Crown may become entitled under paragraphs (b) and (c) of subsection (1) shall be selected as follows: the owner shall first select two lots and the Director shall then select one lot for the Crown and this shall be repeated until all lots are selected.

(3) The Minister may direct that agreements for the sale of territorial lands shall be subject to, and that grants of territorial lands shall contain, such other reservations and conditions as he may deem necessary in the public interest.

10. Territorial lands required for agricultural purposes shall not be sold for less than three dollars an acre, and other territorial lands shall not be sold for less than ten dollars an acre.

11. (1) Where surveyed territorial lands have been inspected and appraised by a valuator appointed by the Minister and the value of the lands are less than five thousand dollars, such lands may be sold by the Minister for not less than the appraised value, but in no case will the sale price be less than fifty dollars.

(2) Payment for townsite lots shall be made by either of the following methods:

- (a) payment in full at the time of sale, or
- (b) payment of one-third of the purchase price at the time of sale, and the balance in two equal instalments in six and twelve months, respectively, together with interest at the rate prescribed by the Act.

(3) Payment for surveyed territorial lands other than townsite lots shall be made by either of the following methods:

- (a) payment in full at the time of sale, or
- (b) payment of not less than twenty per cent of the purchase price at the time of sale, and the balance in four equal annual instalments thereafter, together with interest at the rate prescribed by the Act.

12. (1) With the approval of the Director a person who desires to purchase unsurveyed territorial lands may have such lands surveyed at his own expense in accordance with the instructions of the Surveyor General.

(2) When unsurveyed territorial lands have been occupied for not less than three consecutive years under lease from the Crown and the lessee

Territorial Lands Act.—continued

desires to purchase the lands, the Minister may arrange to have such lands surveyed in accordance with the instructions of the Surveyor General at the expense of the lessee.

(3) When special circumstances warrant a survey of territorial lands the Minister may arrange to have the lands surveyed as soon as possible in accordance with the instructions of the Surveyor General if the person who applies to purchase the lands agrees to pay the costs of survey and deposits an amount sufficient to cover such costs.

Leasing of Territorial Lands

13. Subject to the exceptions and reservations set out in the Act and these regulations, territorial lands may be leased by the Minister.

14. A lease shall be for a term not more than twenty-one years, but the Minister may upon the written request of a lessee made at least one month prior to the expiration of the term of the lease, grant to him a renewal of the lease for a further term not exceeding twenty-one years.

15. (1) The annual rental payable under any lease other than a grazing lease shall be fixed by the Minister but shall be not less than six per cent of the appraised value of the lands leased.

(2) The rental payable under a grazing lease shall be not less than two cents per acre per annum.

(3) The rental payable under any lease shall in no case be less than five dollars per annum.

(4) The rental shall be payable yearly in advance.

(5) The annual rental under each lease shall be subject to review and alteration by the Minister at the end of each five-year period.

16. A lease of territorial lands shall contain:

- (a) a reservation of all mines and of all minerals whether solid, liquid or gaseous, which may be found to exist within, upon, or under such lands together with the full powers to work the same, and for that purpose to enter upon, use and occupy the lands or so much thereof and to such an extent as may be necessary for the effectual working and extracting of the said minerals;
- (b) a reservation of the rights of the recorded holders of mineral claims and any other claims or permits affecting the lands;
- (c) a reservation of all timber that may be upon the lands, and the agent may grant timber permits under the provisions of the regulations for the disposal of timber in the Territories to cut and remove timber which may be found within the limits of the leasehold, subject to such conditions for the protection of the lessee as the agent may consider necessary;
- (d) a reservation of the right to enter upon, work and remove any rock outcrop required for public purposes;
- (e) a reservation of such right or rights of way and of entry as may be required under regulations in force in connection with the construction, maintenance and use of works for the conveyance of water for use in mining operations;
- (f) a reservation of the right to enter upon the lands for the purpose of installing and maintaining any public utility, public service or electric transmission line.

Territorial Lands Act.—*continued*

17. (1) When a lease is cancelled or expires or any portion of the lands is withdrawn from the lease, the lessee shall, when there are no arrears of rent or taxes, have the right to remove, within three months, any improvements owned by him which may be on such lands or the portion thereof withdrawn from the lease.

(2) When a lessee does not remove his improvements before the lands are again disposed of, an agent shall make an appraisal of the improvements which have been left on the lands by the lessee and the Director may direct the sale of the same by public auction.

(3) When the improvements have been offered for sale by public auction and are not sold, the Director may authorize a sale thereof by private contract.

(4) Out of any monies realized by the sale, the Director shall, after deducting any expenses of sale and any arrears of rental and taxes, pay to the former lessee the balance realized from the sale of the improvements.

18. A lessee desiring to assign his lease shall pay all outstanding rental and furnish the Department with a properly executed, unconditional assignment, in duplicate, of the lease together with a registration fee of five dollars and evidence from the proper official of any Territorial Government, municipal or other local authority, if any, that all taxes on the territorial lands covered by the assignment have been paid.

Grazing Leases

19. A lease of territorial lands for grazing purposes shall contain the following covenants, conditions and stipulations:

- (a) the lessee shall not during the term of the lease use or allow to be used any part of the lands demised to him for any purpose other than grazing purposes;
- (b) during each of the first three years of the lease, the lessee shall place on the lands leased to him not less than one horse, or one head of cattle or five sheep, over the age of one year, for every two hundred and forty acres leased to him;
- (c) during each year after the first three years of the lease, the lessee shall have and maintain not less than one horse or one head of cattle or five sheep over the age of one year, for every eighty acres leased to him provided, however, that if upon inspection it is found that the lands described in the lease will support more livestock than the number specified, the Director may require the lessee to place and maintain additional livestock thereon;
- (d) the lessee shall within one year from the execution of the lease furnish a statutory declaration that the required number of livestock is being maintained on the lands leased to him, and thereafter shall furnish a similar declaration on the 1st day of July in each year and at such other times as the Director may require;
- (e) the lessee shall be entitled to the hay on the property comprised in his lease, but shall not sell or barter the same unless he has obtained a permit to do so pursuant to these regulations.

Territorial Lands Act.—continued

Hay for Residents

20. (1) Subject to section 25 any person who is a resident in Yukon Territory or Northwest Territories may cut without a permit not more than five tons of hay on territorial lands in a calendar year for each head of livestock owned by him.

(2) No hay cut pursuant to subsection (1) shall be sold or bartered.

Permits

21. Except as provided in these regulations no person shall cut hay on territorial lands without a permit.

22. Subject to these regulations an agent or any other officer authorized by the Minister may issue a permit to any person to cut hay on territorial lands.

23. (1) A permit to cut hay may be issued to any resident who desires to cut more than five tons of hay for each head of livestock owned by him upon payment in advance of a permit fee of one dollar and a fee of twenty-five cents for each ton of hay to be cut in excess of that amount which may be cut without a permit but such hay shall not be sold or bartered.

(2) A permit to cut hay for sale may be issued to any person upon payment in advance of a permit fee of one dollar and a fee of one dollar for each ton of hay to be cut by the applicant, but such permit shall be issued only after the agent is satisfied that the needs of the owners of livestock in the district have been met.

24. Each permit shall describe the territorial lands upon which the permittee may cut hay.

25. No person shall cut hay on territorial lands, if any interest in the surface rights of such lands is held by any other person, except with the consent of the holder of such surface rights.

26. A holder of a hay permit who

- (a) has made improvements on a hay meadow on the lands described in his hay permit to the satisfaction of the local agent,
- (b) has complied with the requirements of these regulations, and
- (c) makes application for a further permit to cut hay on the same lands,

shall, if the lands are available, be entitled to a further permit to cut hay on such lands in priority to all other applicants.

27. (1) Upon the expiry of a permit the permittee shall complete the affidavit on the back thereof and return the permit so completed to an agent; if the permit has been lost, the permittee shall complete an affidavit in the prescribed form and forward it to an agent.

(2) No further permit shall be issued to an applicant who fails to comply with the provisions of subsection (1).

Territorial Lands Act.—continued*Fees*

28. The fees payable pursuant to these regulations are as follows:

- | | |
|--|--------|
| (1) Application | |
| (a) to purchase lands..... | \$5.00 |
| (b) to lease lands..... | 5.00 |
| (c) to renew a lease..... | 5.00 |
| (d) for licence of occupation..... | 5.00 |
| (2) Registration of assignment of lease..... | 5.00 |
| (3) Certified copy of a lease..... | 2.00 |
| (4) Permit to cut hay..... | 1.00 |

4. Territorial Timber Regulations

P.C. 1954-1214

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 18th day of August, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Northern Affairs and National Resources and pursuant to the Territorial Lands Act, is pleased to order as follows:

1. The Regulations governing the disposal of timber on Territorial Lands in the Yukon Territory and Northwest Territories, established by Order in Council P.C. 1954-604 of 22nd April, 1954, as amended, are hereby revoked; and

2. The annexed "Regulations governing the disposal of timber on Territorial Lands in the Yukon Territory and Northwest Territories" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING THE DISPOSAL OF TIMBER ON TERRITORIAL LANDS
IN THE YUKON TERRITORY AND NORTHWEST TERRITORIES

Short Title

1. These regulations may be cited as the *Territorial Timber Regulations*.

Interpretation

2. In these regulations:

- (a) "Chief of the Lands Division" means Chief of the Lands Division of the Northern Administration and Lands Branch of the Department;

Territorial Lands Act.—continued

- (b) "Crown" means Her Majesty in right of Canada;
- (c) "Department" means the Department of Northern Affairs and National Resources;
- (d) "forest officer" means an employee of the Department, and any person authorized to act on behalf of the Department in connection with these regulations;
- (e) "highway" includes a common and public road, parkway, driveway or other passageway designed and intended for or used by the general public for the passage of vehicles;
- (f) "Indian" means a person who pursuant to the Indian Act is registered as an Indian or is entitled to be registered as an Indian;
- (g) "Minister" means the Minister of Northern Affairs and National Resources;
- (h) "municipality" includes a municipal district;
- (i) "permit" means a valid and subsisting permit issued under these regulations;
- (j) "permittee" means the holder of a permit issued under these regulations;
- (k) "territorial lands" means lands in the Northwest Territories or in the Yukon Territory that are vested in the Crown or of which the Government of Canada has power to dispose;
- (l) "timber" means trees standing, fallen or cut;
- (m) "timber agent" means an officer of the Department designated by the Minister to perform the duties of a timber agent under these regulations for a timber district established under the Territorial Lands Act and includes any person designated to act for a timber agent;
- (n) "timber inspector" means an officer of the Department designated to make inspections in connection with these regulations.

3. These regulations apply only to timber on territorial lands under the control, management and administration of the Minister pursuant to the Territorial Lands Act.

Public Competitions

4. The right to cut timber may be disposed of by public competition where the Minister is of the opinion that it is in the public interest to hold such competition.

Applications to Cut Timber

5. Any person eighteen years of age or over and any corporation may upon complying with these regulations, apply to a timber agent for a permit to cut timber on territorial lands.

Staking

6. (1) A person or corporation who desires to cut timber on territorial lands for commercial or other purposes, shall stake out the area on which the timber is located in the manner prescribed in this section.

(2) The area applied for shall be staked as nearly as possible in the form of a rectangle, and except with the approval of the Minister, shall not exceed six hundred and forty acres.

Territorial Lands Act.—*continued*

(3) The area shall be marked by the applicant with four posts firmly fixed in the ground one at each corner, and numbered respectively one, two, three and four.

(4) On each post shall be written a legible notice containing the number of the post, the full name of the applicant, the date of staking, the nature of the application, and the distance in feet along the marked lines between posts.

(5) The posts shall be of sound timber of sufficient length so that when firmly planted in the ground in an upright position, not less than four feet shall be above the ground and each post shall be of such a diameter that when squared or faced for eighteen inches from the top end, each face of the squared or faced portion shall not be less than four inches in width for the full eighteen inches.

(6) If a tree of suitable size is found in position, it may be made into a post by cutting the tree off not less than four feet from the ground, and squaring and facing the upper eighteen inches, each face of the portion so squared or faced to be not less than four inches in width.

(7) Whether a post is planted, or the stump of a tree is made into a post, a mound of earth or stones shall be erected around the base of the post, not less than three feet in diameter on the ground, and not less than eighteen inches high, cone-shaped and well constructed.

(8) The lines joining the posts shall be well marked and measured and trees at each side of such lines shall be marked at intervals of about fifty feet by placing on trees along the lines, three blazes, one blaze facing the line and one blaze on each side of the tree in the direction of the line.

7. If two or more persons apply for the same area, the person who first staked the area in accordance with these regulations shall, if a permit may be issued, be entitled to priority.

Permits to Cut Timber for Commercial Purposes

8. An application, in duplicate, for a permit to cut timber for commercial purposes shall be made within thirty days of staking, on a form to be furnished by the timber agent and shall be referred by the timber agent to a timber inspector for investigation and report and the application accompanied by the timber inspector's report shall be forwarded to the Chief of the Lands Division.

9. (1) With the approval of the Chief of the Lands Division and subject to these regulations, a timber agent may issue a permit to cut timber for commercial purposes upon payment in advance of a permit fee of two dollars (\$2.00), annual ground rent at the rate of one hundred dollars (\$100.00) per square mile and a deposit of twenty per cent of the dues on the timber authorized to be cut at the rates set out in the schedule.

(2) If within twelve months from the date of issue, the timber authorized to be cut has not been cut, the permittee shall be entitled to a renewal of his permit if:

- (a) he has paid all dues and ground rent for which he is liable; and
- (b) he has fully complied with all other conditions of his permit and these regulations.

Territorial Lands Act.—*continued*

(3) Where upon completion of the cut authorized in a permit before the expiry of the year for which the ground rent is paid there remains timber in commercial quantity which the permittee desires to cut, the timber agent may authorize the permittee to cut such timber for commercial purposes during the balance of such year upon payment in advance of a permit fee of two dollars and a deposit of twenty per cent of the dues on the timber authorized to be cut.

(4) Not more than one permit to cut timber for commercial purposes shall be held by any person without the consent of the Minister.

10. The holder of a permit to cut timber for commercial purposes shall commence cutting operations on the area described in his permit within six months of the date of issue of the permit and if he fails to do so, the permit may be cancelled and in such event any monies paid on account of ground rental and dues shall be retained by the Crown.

11. The holder of a permit to cut timber for commercial purposes shall keep adequate records to show the disposal of all timber cut under his permit and such records shall be open to inspection at any time by a timber agent or inspector.

12. (1) The holder of a permit to cut timber for commercial purposes shall furnish to the timber agent quarterly and at such other times as the Chief of the Lands Division may request, a return verified by affidavit to show the disposal of all timber cut on the area covered by his permit.

(2) Dues at the rates set out in the schedule hereto, shall become payable quarterly on:

(a) all logs sawn into lumber, and

(b) any other timber removed from the berth area.

(3) When the holder of a permit to cut timber for commercial purposes has not cut the full amount of timber authorized to be cut under his permit but has paid dues in excess of the dues payable on the quantity that has been cut at the time his permit expires or is relinquished, he is entitled to a refund of the difference between the amount of dues paid and the amount of dues payable on the quantity of timber cut.

13. Every sawmill shall be maintained so that the lumber is sawn to a standard satisfactory to a timber agent or a timber inspector.

Permits for 100 Cords or Less

14. (1) A timber agent or a member of the Royal Canadian Mounted Police may upon payment of a permit fee of two dollars (\$2.00) and dues in full on the timber authorized to be cut at the rates set out in the schedule, issue to any person eighteen years of age or over and any corporation a permit to cut not more than a total of one hundred (100) cords of timber in any twelve month period.

(2) When the holder of a permit to cut timber under subsection (1) has cut more than fifty per cent but less than the full amount of timber authorized to be cut under his permit at the time his permit expires or is relinquished, he is entitled to a refund of the difference between the amount of dues paid and the amount of the dues payable for the timber actually cut.

Territorial Lands Act.—*continued**Permits Free of Dues and Free Permits*

15. (1) Upon payment of a permit fee of two dollars (\$2.00) and subject to the observance of these regulations, a timber agent may issue a permit free of dues to:

- (a) any educational, religious or charitable institution or hospital in the Northwest Territories or Yukon Territory to cut such quantities of timber as may be required for its own use but not for barter or sale, if the institution is not the owner of any land containing timber suitable for its needs which in the opinion of the timber agent, is within a reasonable distance of the institution where such timber is to be used;
- (b) the holder of any mineral claim by entry or lease from the Crown, to cut such timber on his claim for use in the working of the said claim, but not for barter or sale, if the rights to cut such timber have not already been granted;
- (c) the holder of a placer claim from the Crown to cut timber for his own use and for any purpose incidental to and necessary for the operation of his claim, but not for barter or sale.

(2) Subject to these regulations a timber agent may issue without payment of any fee or dues, a permit for a period of twelve months to a Department of the Government of Canada, a municipality, a school district, the Commissioner of Yukon Territory and the Commissioner of the Northwest Territories to cut such timber as that Department, municipality or school district may require for its own use or as that Commissioner may require for the use of Yukon Territory or the Northwest Territories, as the case may be.

Authority to Cut Timber Without a Permit

16. An Indian, Eskimo, any person who resides in Yukon Territory or the Northwest Territories and who is dependent on hunting and trapping for a livelihood and any person engaged in prospecting, exploration or scientific pursuits is exempt from the provisions of section 12 of the Territorial Lands Act and may cut timber not exceeding one hundred cords in any twelve-month period for his own use without a permit.

Conditions Applicable to all Timber Permits

17. A permit authorizes the permittee to cut and remove the quantity of timber specified in his permit but does not convey to the permittee the exclusive use of the land described in the permit.

18. Permits for the cutting of green timber may be refused if there is available a sufficient quantity of dry timber which in the opinion of the timber agent, is suitable for the applicant's requirements.

19. Except with the approval of the Minister a permit shall not be issued to cut green timber in an area where proper forest management requires the prohibition of such cutting.

20. A permit expires on the completion of the cut authorized by the permit or upon the expiry of twelve months from the date of the permit, whichever is the sooner.

Territorial Lands Act.—continued

21. (1) A timber agent may include conditions in a permit to ensure that cutting operations will be conducted in accordance with approved forestry practice and that precautions are taken to avoid unnecessary damage to standing trees and young growth.

(2) A permittee shall comply with all conditions in his permit.

22. (1) Timber shall be cut only on lands described in a permit.

(2) No person shall cut timber in excess of the quantity authorized by his permit.

23. Except with the approval of the Minister, green timber shall not be cut:

(a) within two hundred feet of the Alaska Highway or the Mackenzie Highway;

(b) within one hundred feet of any other highway; or

(c) within two hundred feet of the ordinary highwater mark on the shore of any lake.

24. (1) No tree shall be cut higher than twelve inches from the ground.

(2) No tree shall be cut of a diameter less than eight inches at a height of four feet six inches above the ground without permission from a timber agent or a timber inspector.

25. All merchantable portions shall be taken from the trees cut so that there shall be no waste of timber.

26. (1) Timber sawn into lumber shall be measured by mill tally.

(2) Timber sold by the cord shall be measured by stacked cords of one hundred and twenty-eight (128) cubic feet.

(3) Round timber shall be measured by the lineal foot.

27. (1) A timber agent or a timber inspector may give directions regarding the disposal of brush and on any other matter necessary for the protection and proper management of the forest.

(2) The permittee shall carry out all such directions given to him by a timber agent or by a timber inspector.

28. Where standing green timber has in the opinion of a forest officer been damaged by fire and has been reduced in value in consequence of such fire, the dues to be charged shall be fifty per cent of the dues set out in Part II of the schedule hereto.

29. (1) Subject to subsection (4) of section 9, a permit to cut timber in excess of one hundred cords or forty thousand feet board measure and up to and including one thousand cords or four hundred thousand feet board measure for commercial purposes may be assigned with the consent of the timber agent if the permittee has complied in all respects with these regulations and the conditions of his permit.

(2) Subject to subsection (4) of section 9, a permit to cut timber in excess of one thousand cords or four hundred thousand feet board measure for commercial purposes may be assigned with the consent of the Minister if the permittee has complied in all respects with these regulations and the conditions of his permit.

(3) The fee to be paid for each consent to an assignment shall be \$5.00.

Territorial Lands Act.—*continued*

(4) Except as provided in this section, no permit to cut timber shall be assigned.

30. Upon expiration of a permit, the permittee shall return the permit to the timber agent with the affidavit on the back thereof properly completed, or if the permit has been lost or destroyed, he shall complete an affidavit on a form to be provided for the purpose by a timber agent and no further permit shall be issued to the permittee until such permit has been returned or an affidavit in lieu thereof, has been furnished to the timber agent.

31. A forest officer, timber agent or timber inspector is authorized to order suspension of operations under any permit whenever in his opinion there is any violation of these regulations or the conditions of the permit, and the suspension of operations shall continue in force until cancelled.

32. Every permittee and every agent or person employed by such permittee shall maintain strict and constant supervision to prevent the origin and spread of forest fire.

33. Where any timber authorized to be cut under these regulations is found to be infested with any species of injurious insect, the forest officer shall instruct the permittee to take such action as may be necessary to control or destroy the infestation.

34. No permittee shall deposit or leave any sawdust, refuse or debris on the frozen surface or in the waters of any stream, river or lake.

Cancellation of Permit

35. Where a permittee has made default in payment of dues, or has not complied with these regulations or the conditions of his permit, the Minister may cancel his permit.

Forfeiture and Recovery of Dues

36. All dues on timber cut under any permit, which are not paid at the time when they become due, together with interest thereon, are a lien and charge on any timber cut under the permit.

37. In case of non-payment, whether the permit has or has not been cancelled in consequence thereof, the timber agent or other authorized person may seize so much of the timber cut under the permit as will, in his opinion, be sufficient to secure the payment of the ground rent, the dues, and interest thereon, the expenses of seizure and sale, and may detain the timber as security for such payments.

38. (1) If payment is not made within two months after seizure, the timber may be sold at public auction.

(2) The proceeds of the sale of any timber seized, shall be applied firstly on account of the costs of seizure and sale and thereafter on account of dues for such timber and if there is any balance, it may be paid to the permittee.

Territorial Lands Act.—*continued*

39. Whenever any timber agent obtains reliable information supported by affidavit or statutory declaration that any timber has been cut without authority, or if any timber agent from other sources of information or his own knowledge, is aware that any timber has been cut without authority he may seize or cause to be seized the timber so reported or known to have been cut, wherever it may be.

40. All timber cut without authority and seized under these regulations shall be forfeited thirty days from the day of the seizure unless the person from whom it was seized gives notice in writing to the timber agent under whose authority the seizure was made, that he intends to contest the seizure.

41. The Minister may direct any timber forfeited to Her Majesty to be sold at public auction and in the event that no bid is tendered for timber offered for sale by public auction, the Minister may sell such timber by private sale.

Notices or Communications

42. Any notice required to be given by the Minister under these regulations may be given by his Deputy or by any person authorized by the Minister.

43. Any notice or communication in connection with these regulations shall be deemed to be served on the permittee if left or mailed by registered mail to him at his last known address.

44. A notice sent by mail shall be deemed to be given at the time when in due course of mail, it would be delivered at the address to which it is sent.

Timber on Areas Required for Power Purposes

45. (1) Dues on all timber on areas flooded for power purposes shall be paid by the owners of the power plant whether the timber has been cut or not.

(2) Dues on all timber cut on areas cleared for transmission lines shall be paid by the owners of the transmission lines.

(3) For timber listed in the schedule, dues in accordance with the rates set out therein shall be payable under this section and, for all other timber, the rates shall be fixed by the Minister.

Territorial Lands Act.—*continued*

Schedule of Dues

PART I

1. Fuelwood:

(a) fire-killed or dry.....	per cord	50 cents
(b) all green timber.....	per cord	\$1.00

PART II

2. Round timber including poles, piling, building logs, mine timber, cribbing, fence posts, telegraph and telephone poles:

(a) not exceeding 5 inches at butt, inside the bark.....	per lin. ft.	$\frac{1}{2}$ cent
(b) over 5 inches and not exceeding 7 inches at butt, inside the bark.....	per lin. ft.	1 cent
(c) over 7 inches and not exceeding 9 inches at butt, inside the bark.....	per lin. ft.	2 cents
(d) over 9 inches at butt, inside the bark.....	per lin. ft.	3 cents

3. Sawlogs:

(a) poplar.....	per M. FBM	\$2.00
(b) other species.....	per M. FBM	\$5.00

4. Railway ties:

(a) 8 feet in length.....	each	15 cents
(b) each lineal foot over 8 ft.....	per lin. ft.	2 cents

5. Slabs and edgings if disposed of by sale.. per cord 40 cents

6. All other products of the forest not otherwise enumerated..... 15% ad valorem at point of shipment.

Territorial Lands Act.—*continued*

5. Territorial Oil and Gas Regulations

P.C. 1954-1740

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the Territorial Lands Act, is pleased to order as follows:

1. The regulations respecting the administration and leasing of oil and gas rights in the Northwest Territories and the Yukon Territory, established by Order in Council P.C. 1953-525 of 2nd April, 1953, as amended, are hereby revoked; and

2. The annexed "Regulations respecting the administration and leasing of oil and gas rights in the Northwest Territories and the Yukon Territory" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS RESPECTING THE ADMINISTRATION AND LEASING OF OIL AND
GAS RIGHTS IN THE NORTHWEST TERRITORIES
AND THE YUKON TERRITORY

Short Title

1. These regulations may be cited as the *Territorial Oil and Gas Regulations*.

Interpretation

2. (1) In these regulations,

- (a) "bonds" mean bearer bonds of Canada or bearer bonds of the Canadian National Railway Company unconditionally guaranteed as to principal and interest by Canada, or bonds of Canada and such Railway Company registered in the name of the Minister of Finance and the Receiver General of Canada;
- (b) "Chief of the Lands Division" means Chief of the Lands Division of the Northern Administration and Lands Branch of the Department;
- (c) "Department" means the Department of Northern Affairs and National Resources;
- (d) "Director" means the Director of Northern Administration and Lands Branch of the Department;
- (e) "exploratory work" includes geological examinations, geophysical examinations, aerial mapping, investigations relating to the sub-surface geology, test drilling, bull-dozing, road building, surveying and all work necessarily connected therewith;

Territorial Lands Act.—*continued*

- (f) “field” means the general area which is underlaid or appears to be underlaid by one or more pools, and includes the underground reservoir or reservoirs containing oil or gas, or both, and the words “field” and “pool” have the same meaning when only one underground reservoir is involved, but the word “field” may relate to two or more underground reservoirs or pools;
- (g) “fiscal year” means any year commencing on the first day of April in a year and ending on the 31st day of March in the year next following;
- (h) “gas” means all natural gas, including casinghead gas, and all hydrocarbons not defined as oil herein;
- (i) “gas well” means a well
 - (i) that produces natural gas not associated or blended with oil at the time of production;
 - (ii) that produces more than thirty thousand (30,000) cubic feet of natural gas to each barrel of oil from the same producing horizon;
 - (iii) the part of a well wherein the gas-producing stratum has been successfully segregated from the oil, and the gas is produced through a bradenhead and the oil through the inside of another string of casing or tubing; or
 - (iv) any well classified as a gas well by the Minister for any reason;
- (j) “grid area” means an area of territorial land including territorial land covered by water contained within a rectilinear quadrilateral bounded on the north and south by chords to successive parallels of astronomic north latitude of the series 60° 00' 00", 60° 10' 00", 60° 20' 00" and bounded on the east and west by successive meridians of astronomic west longitude of the series 110° 00' 00", 110° 15' 00", 110° 30' 00" and the said series may be extended as required and said parallels and meridians being as defined by astronomic observations at or near the mutual intersections;
- (k) “lessee” means any person holding an oil and gas lease issued under these regulations;
- (l) “licensee” means a person holding an exploratory licence issued under these regulations;
- (m) “Minister” means the Minister of the Department of Northern Affairs and National Resources;
- (n) “oil” means crude petroleum oil and all other hydrocarbons, regardless of gravity, which are produced at the well and includes bitumen;
- (o) “Oil Conservation Engineer” means an officer of the Department or other person appointed by the Minister to supervise in the field the observance of these regulations;
- (p) “oil well” means any well capable of producing oil and not being a gas well as defined herein;
- (q) “permittee” means any person holding a permit issued under these regulations;

Territorial Lands Act.—*continued*

- (r) “pool” means an underground reservoir containing or appearing to contain an accumulation of oil or gas separated or appearing to be separated from any other such reservoir or accumulation in the general structure;
- (s) “prescribed form” means a form prescribed by the Minister;
- (t) “territorial lands” means lands in the Northwest Territories or in the Yukon Territory that are vested in the Crown or of which the Government of Canada has power to dispose;
- (u) “waste” in addition to its ordinary meaning, means “waste” as that term is ordinarily understood in the oil and gas industry, and without limiting the generality of the foregoing, includes,
 - (i) the inefficient, excessive or improper use or dissipation of reservoir energy;
 - (ii) the locating, spacing, drilling, equipping, operating or producing of any well or wells in a manner which results or could result in reducing the quantity of oil or gas ultimately recoverable from any pool;
 - (iii) the inefficient storing of oil or gas, whether on the surface or underground;
 - (iv) the producing of oil or gas in excess of transportation or marketing facilities or of reasonable market demand;
 - (v) the locating, drilling, equipping, operating or producing of a well or wells in a manner which causes or could cause unnecessary or excessive surface loss or destruction of oil or gas; and
- (v) “well” means any opening in the ground except seismic shot holes, structure test holes or stratigraphic test holes, made or being made by drilling or boring, or in any other manner through which any oil or gas is obtained or obtainable, or for the purpose of obtaining any oil or gas, or for the injection of any fluid in an underground reservoir.
- (2) For any purposes of these regulations,
 - (a) “commercial quantity” in reference to the output of a well shall be deemed to be such quantity of oil and gas which in the opinion of the Minister, after considering the cost of drilling and production operations, the quantity of production and availability of market would economically warrant, the drilling of a like well in the immediate area; and
 - (b) “commercial exploitation” shall be deemed to commence on such date as the Minister having regard to the pertinent economic conditions, may declare that a market, commensurate to the productive capacity of the wells and the reserves discovered or being developed, is available.

3. These regulations apply only to territorial lands that are under the control, management and administration of the Minister.

Exploratory Licences

4. (1) A person of the full age of twenty-one years or a corporation incorporated in Canada or in any province thereof, or licensed under the laws of Canada shall be entitled on payment of a fee of twenty-five dollars to obtain an exploratory licence in a prescribed form.

Territorial Lands Act.—*continued*

(2) A licence shall be dated the day of issue and shall expire on the 31st day of March next following the day of issue.

(3) The holder of an exploratory licence shall be entitled to renew his licence for the year commencing the 1st day of April next following the expiry of his licence.

(4) Each renewal of a licence shall bear date the 1st day of April following the expiration of the licence or renewal, and the fee for a renewal shall be twenty-five dollars.

(5) The holder of an exploratory licence may for the purpose of exploring for oil and gas make geological and geophysical examinations, carry on aerial mapping and investigate the sub-surface of territorial lands including lands under permit or lease issued under these regulations to a depth not exceeding two hundred feet without the permission of the holder of such permit or lease.

(6) No sub-surface examinations of any land shall be made below two hundred feet unless the permission in writing of the holder of the permit or lease affecting such lands issued under these regulations or of the Crown in respect of other territorial lands, is first obtained.

(7) No person or corporation shall make such geophysical examinations and investigate the sub-surface of territorial lands including lands under permit or lease issued under these regulations for the purpose of exploring for gas and oil unless he is the holder of an exploratory licence issued under these regulations.

5. Every holder of an exploratory licence who performs exploratory work on land not held by him under permit or lease shall within a reasonable time from the completion of his work furnish the Chief of the Lands Division in duplicate with,

- (a) a map showing the areas covered by survey or surveys;
- (b) all information obtained concerning the presence of water, coal, gravel, sand or other potentially useful minerals revealed by the shot and core holes; and
- (c) a summary giving the generalized regional data obtained.

6. The holder of an exploratory licence if not a permittee or lessee shall report to the Oil Conservation Engineer upon his request the location and progress of any field party conducting an exploratory program.

7. No exploratory licence shall be transferred or assigned.

Applications for Permits

8. (1) Applications for permits to explore for oil and gas in territorial lands and the right to acquire leases therein may be received by the Chief of the Lands Division from any licensee on any day except Saturday and holidays between the hours of nine o'clock in the forenoon and four o'clock in the afternoon.

(2) Each application for a permit shall be made in person at the office in Ottawa of the Chief of the Lands Division by the applicant or his authorized agent.

Territorial Lands Act.—*continued*

- (3) Each application for a permit shall be accompanied by
 - (a) a fee of two hundred and fifty dollars;
 - (b) a deposit of money or bonds to the value of five cents per acre for each acre included in the area for which the application is made as a guarantee for the expenditures to be made during the first eighteen months of the permit;
 - (c) a statement in duplicate setting out the extent and character of the examination to be made and an estimate of the cost thereof; and
 - (d) a description of the area applied for which shall be
 - (i) a grid area; or
 - (ii) the east half, west half, north half or south half of a grid area.
- (4) The Chief of the Lands Division shall cause to be endorsed forthwith on each application the date and time the application is received.

Permits

9. (1) The Minister may issue to any licensee applying therefor a permit to explore for oil and gas and the right to acquire leases in a grid area or the north half, south half, east half or west half of a grid area in territorial lands if he is satisfied that exploratory work of value will be undertaken or he may refuse to issue a permit.

(2) An applicant for a permit may withdraw his application at any time before the permit is issued and if he does so the amount of money or bonds deposited by him shall be refunded.

(3) No refunds shall be made of any application fees paid when an application is withdrawn.

10. (1) Where part or parts of a grid area are held under permit or permits, and the balance of the grid area not under permit is less than half a grid area, the Minister may

- (a) issue a permit to the permittee of the permit area which adjoins the balance of the grid area applied for, where no other permittee holds a permit adjoining the area applied for, and
- (b) issue a permit to the permittee of a permit area which adjoins the balance of the grid area applied for who offers the greatest bonus within a time fixed by the Minister for acquiring a permit for the balance of the grid area not under permit, where there is more than one permit area adjoining the area applied for.

(2) If no offers are received for the balance of such grid area not under permit, the Minister may issue a permit for such balance to any person who makes application therefor in accordance with these regulations.

11. (1) Exclusive of any permit issued pursuant to section 10 permits for a total area in excess of that comprised in any eight grid areas shall not be issued to any one person in any fiscal year.

(2) The maximum area that may be included in any permit is one grid area.

(3) Subject to section 10 the minimum area that may be included in any permit is one-half of a grid area.

Territorial Lands Act.—*continued*

12. A permittee who holds

- (a) a grid area under permit may surrender the whole or the north half, south half, east half, or west half of the grid area, or
- (b) part of a grid area under a permit may surrender that area, and if in either case he has made expenditures for exploratory work in the period in which he makes the surrender shall be entitled to a return of his deposit or a portion thereof not exceeding the amount of such expenditures.

Notice of Cancellation and Surrender

13. (1) Whenever a permit or lease of an area or any part thereof described therein has been cancelled or surrendered or where leases have been issued to a permittee for a portion of the permit area pursuant to section 32, the Minister shall publish in the *Canada Gazette* a notice of such cancellation, surrender or reversion.

(2) In such notice it shall be necessary to state only the number of the relevant permit or lease and the change in the status thereof.

(3) The Minister after such publication may call for tenders by advertising in the *Canada Gazette* and by such other method as the Minister may deem advisable and issue a permit or lease to the person who offers the greatest bonus for the privilege of acquiring a permit or lease for such area or any part thereof.

(4) At least ninety days notice from the date of advertising shall be given of the date fixed for receiving tenders.

(5) If no bid or offer is received for such area or part thereof, applications for a permit or lease may be received and permits or leases issued after the expiry of thirty days from the date tenders were to be received.

Plan of Survey of Permit Area

14. The Minister may order a permittee to file within one year from the date of such order, a plan of survey approved by the Surveyor General showing the boundaries of the area included in his permit.

Term of Permit

15. Unless sooner surrendered or cancelled under these regulations every permit shall be valid for three years and,

- (a) if the permittee has expended during such three years an amount at least equal to the amount of his deposits for these years, the permit shall be renewed for a further three years if the permittee applies therefor; or
- (b) if the permittee has expended during such three years an amount less than the amount of his deposits for these years, the permit may in the discretion of the Minister be renewed for a further three years.

16. (1) A permit or any part thereof shall not be assigned without the written consent of the Minister.

(2). A fee of one hundred dollars shall be paid on the filing of each assignment.

(3) Not more than eight permits held by one permittee may be included in an assignment.

Territorial Lands Act.—*continued*

Deposits

17. Before the expiration of eighteen months from the date of the permit the permittee shall deposit money or bonds to the value of twenty-five cents for each acre retained in the permit.

18. The deposit of money or bonds made by the permittee shall be held as a guarantee that an expenditure at least equal thereto will be made in accordance with these regulations during the period for which the deposit was made.

19. Where an application is made for removal of a permit, the applicant shall deposit money or bonds to the value of,

- (a) thirty cents for each acre included in the permit prior to the commencement of the first year of the renewal in respect of such year;
- (b) forty cents for each acre included in the permit prior to the commencement of the second year of the renewal in respect of such year; and
- (c) fifty cents for each acre included in the permit prior to the commencement of the third year of the renewal in respect of such year.

20. Where a permittee incurs during any period of his permit an expenditure on exploratory work in excess of the amount required under these regulations to entitle him to a return of his deposit for that period, the excess shall be allowed as a credit on the expenditures and deposit required to be made during the succeeding period or periods of his permit.

21. Where an application is refused the accompanying fee and deposit shall be returned to the applicant.

Grouping of Permits

22. (1) A permittee may group for exploratory work and expenditures an area which could be included in twenty permits of maximum size if

- (a) his permit areas or any part thereof are situate within a circle, the radius of which does not exceed fifty miles; or
- (b) his permits are contiguous.

(2) A permittee who desires to group permits held by him for exploratory work and expenditures shall give notice of his intention in writing thereof to the Chief of the Lands Division setting forth the permits to be included in the group.

(3) All expenditures made after the date of the giving of such notice and during the period of the grouping on any permit or permits in the group may be applied on such permit or on any other permit or permits in the group.

(4) A permittee may from time to time regroup his permits.

(5) Expenditures once applied on any permit shall remain with that permit and shall not be transferred to other permits when regrouping.

Territorial Lands Act.—*continued*

23. Expenditures made for exploratory work done on and off a permit area for the purpose of obtaining information of a general nature that may be of value to the permittee in connection with work being done by the permittee on his permits may, in the discretion of the Minister, be applied as expenditure in such amounts as the permittee declares among all or any of the permits or groups of permits held by the permittee in the area for which the work done is beneficial.

24. (1) Where during the sixth year of a permit, a well is being drilled thereon in a manner satisfactory to the Minister and it appears that the well will not be completed or abandoned before the expiration of such year, the Minister may grant an extension of ninety days of that permit and any other permit or permits grouped with such permit, upon the permittee making a deposit of ten cents for each acre included in the permit or permits being extended.

(2) Work done in such ninety days shall be deemed to be exploratory work on such permit or group.

25. (1) The amount of expenditure allowable for exploratory work shall be determined by the Minister on evidence of such expenditure furnished by the permittee and such other evidence as the Minister may require.

(2) No release of any portion of the deposit shall be made until the permittee submits to the Chief of the Lands Division a statement in triplicate verified by statutory declaration setting forth

- (a) the several items of expenditure;
- (b) the place or places where such work was done;
- (c) the permit or permits upon which work is to be applied;
- (d) the specific purpose for which each item of expenditure was made; and
- (e) a comprehensive summary of the work done.

(3) The amount by which the deposit exceeds the total of allowable expenditure and credits under section 20 shall be forfeited to the Crown.

(4) Such evidence of expenditure shall be furnished within ninety days of the end of each period during which such expenditure is required to be made.

(5) The last deposit made by a permittee shall not be released until all the requirements of these regulations have been complied with.

26. Expenditures for road building and geophysical examinations outside of the permit area may be disallowed by the Minister as expenditures for exploratory work unless his prior approval therefor has been obtained.

27. Portions of the deposits made up to the amount of expenditures allowed may be released by the Minister to the permittee from time to time.

Notices and Reports

28. Before commencing any program of exploratory work, a permittee shall send a written notice in duplicate to the Oil Conservation Engineer which notice shall set out

- (a) the dates on which he expects to commence work and to complete the work;

Territorial Lands Act—continued

- (b) the purpose and nature of the work;
- (c) the approximate acreage and boundaries of the area upon which the work is to be done;
- (d) the equipment he intends to use;
- (e) the name of the person in charge of the work; and
- (f) the number of persons to be employed.

29. While exploratory work is in progress the permittee shall submit to the Oil Conservation Engineer on his request the location of the parties and any change of plans.

30. (1) After the termination of eighteen months, three, four, five and six years from the date of the permit, the permittee shall within sixty days from each such termination forward to the Oil Conservation Engineer

- (a) copies of all aerial photographs taken by the permittee during such period; and
- (b) a report in duplicate including a map or maps showing the factual data obtained in the geological and geophysical examination together with the logs and electric logs of any wells drilled and all information obtained concerning the presence of water, coal, gravel, sand and other potentially useful minerals revealed by the shot or core holes and such further information and data as the Minister may require.

(2) Where no exploratory work has been done a report to that effect shall be made.

Inspection

31. The Minister, or any person authorized by him, may at any time, enter upon the area held under permit or lease and inspect all wells, technical records, plant and equipment, and the permittee, lessee or their representatives or operators shall render that person such assistance as may be necessary or essential, and such person shall have the right to take samples, particulars, or carry out any tests or examinations desired, for the production of oil and gas that may be reasonable or proper and are not detrimental to the operations being performed.

Leases

32. A permittee who is not in default shall upon application be granted a lease or leases for such area or areas as he may select up to thirty-five per cent of his permit area,

- (a) during the first period of such permit if he has made expenditures for exploratory work at least equal to his deposit for that period; and
- (b) at any other time if expenditures for exploratory work have been made totalling at least thirty cents for each acre in the permit area.

33. Where a well drilled in any area covered by a permit has, in the opinion of the Minister, determined the presence of oil or gas in commercial quantity, the Minister may require the permittee within one year of the discovery or within such further period, as the Minister may fix, to apply for a lease or leases of the oil and gas rights in that area.

Territorial Lands Act.—*continued*

34. Subject to section 13, the oil and gas rights in territorial lands which are available may be disposed of by lease by the Minister, or may in his discretion be offered for tender, by public advertisement in the *Canada Gazette* and if he so desires, in other publications.

35. (1) An application for a lease of the oil and gas rights shall be delivered by hand or forwarded by registered mail to the Chief of the Lands Division and shall be accompanied by a fee of twenty-five dollars and the rental for the first year.

(2) The Chief of the Lands Division shall cause to be endorsed on each application the date and time the application is received.

36. (1) The term of a lease shall be twenty-one years.

(2) A lease shall be renewable for successive periods of twenty-one years each subject to the following conditions,

- (a) that the leased area is capable of producing oil or gas;
- (b) that the lessee has complied to the satisfaction of the Minister with the terms of the lease and with the provisions of the regulations in force from time to time during the currency of the lease; and
- (c) that the renewal will be granted on the terms and conditions provided for in the regulations at the time of renewal.

37. (1) Except with the consent of the Minister the minimum area to be included in a lease shall be six hundred and forty acres.

(2) No lease shall be granted for an area in excess of one-half of a grid area.

38. (1) An application for a lease shall contain a metes and bounds description, accompanied by an explanatory plan of the leased area applied for, each to be prepared and certified by a Dominion Land Surveyor.

(2) The leased area shall be described with reference to

- (a) a monument of an existing survey of territorial lands which has been confirmed, approved or caused to be placed by the Surveyor General, if such monument exists within five miles of the location, or
- (b) a topographical feature identified and marked by pin pricking on a vertical aerial photograph of mapping standard, the said photograph to accompany the description, if such photograph is available, or
- (c) the nearest and most prominent topographical feature which is identifiable both on the ground and on the latest published map issued by the federal mapping agencies, where it is not possible to use either of the means of reference referred to in paragraphs (a) and (b).

(3) The description and plan shall be taken to be in all respects definitive of the leased area and its position and shall not admit approximations.

(4) Except with the consent of the Minister, the leased area shall be quadrilateral in shape, bounded on the east and west by astronomic meridians, and on the north and south by straight lines drawn perpendicular to the central meridian of the leased area, and the dimensions thereof shall be such as to be adaptable so far as practicable to a forty acre spacing pattern.

Territorial Lands Act.—*continued*

39. The boundaries beneath the surface of a leased area shall be the vertical planes in which its surface boundaries lie.

40. (1) An application for a lease shall be recorded and the terms of the lease become effective from the date the application is received and endorsed as provided in these regulations, but the lease shall not be issued until a survey of the boundaries of the lease have been made at the expense of the applicant by a Dominion Land Surveyor upon the instructions of the Surveyor General of Canada and the returns of survey have been approved by the Surveyor General and registered by the Chief of the Lands Division.

(2) The survey shall be made within one year from the date of the application unless satisfactory reasons are furnished justifying the granting of an extension of time.

Rental under Lease

41. (1) The rental for the first year of the leased area applied for shall be at the rate of fifty cents per acre payable in advance and thereafter the rental shall be at the rate of one dollar per acre per year payable in advance.

(2) Where a permittee incurs during the life of a permit expenditures on exploratory work in excess of the total amount of deposits required to be made under these regulations in respect of his permit such excess may be applied on account of the yearly rental of a lease or leases taken out of that permit area up to fifty per cent of such rental, until commercial exploitation commences on such lease.

Drilling

42. (1) Subject to subsection (3) the lessee shall commence and continue the drilling of a well with reasonable diligence and to the satisfaction of the Minister on the leased area or group of leased areas within three years of the date of such lease or the date of the lease first granted within such group, but the Minister may, upon application being made during the last six months of the period or during an extension in which the lessee is to commence drilling operations, grant an extension or further extensions of time for drilling.

(2) When a well is abandoned or completed and has not been declared capable of producing in commercial quantities, the lessee shall commence and continue with reasonable diligence to the satisfaction of the Minister the drilling of a further well on the leased area or group of leased areas within one year of the date when such well was abandoned or completed, but the Minister may upon application grant an extension or further extensions of time for drilling.

(3) Where the lessee has incurred expenditures for exploratory work in excess of the total amount of deposits required under these regulations to be made in respect of a permit area out of which he has taken leases the Minister shall extend the period within which drilling shall be commenced for a period of a year, but not exceeding a total of two additional years, for each dollar of excess expenditures made for every acre in that permit area.

Territorial Lands Act.—*continued**Grouping*

43. (1) A lessee who has acquired more than one lease may group leased areas for the purpose of complying with the provisions of section 42.

(2) The maximum area under lease that may be included in one group shall not exceed twenty-two thousand and four hundred acres and some portion of each leased area included in a group shall be within a distance of twelve miles from the projected well site.

(3) If a lessee complies with the drilling provisions of section 42 on one of the leases in a group he shall be deemed to have complied with such provision for all the leases in such group.

(4) The group shall terminate immediately upon the discovery of oil or gas in commercial quantity.

(5) Where the group is terminated by the discovery of oil or gas in commercial quantity on a leased area, the lessee of all the other leased areas in the group shall commence and continue the drilling of a well with reasonable diligence and to the satisfaction of the Minister on each of such other leased areas within two years from the date of the termination of that group, but the lessee may regroup all or any such other leased areas; the Minister may on application being made during the last six months of the period or during any extension in which the lessee is to commence drilling operations, grant an extension or further extensions of the time for drilling.

(6) The lessee may from time to time group or regroup his areas.

44. In the event of the lessee obtaining production of oil or gas in commercial quantity on a leased area, he may be required by the Minister to drill such further well or wells thereon as the Minister, having regard to the proper conservation of the said oil or gas and its marketing in accordance with good operating and business practice, may in his discretion determine, and subject to the aforementioned considerations the lessee may be required to produce therefrom so long as the leased area shall continue to yield oil or gas in commercial quantity.

45. (1) A lessee may, upon application, be granted a lease at a rental of one dollar an acre per annum, payable yearly in advance, of whatever area of the available surface rights of the tract described in his oil and gas lease the Minister may consider necessary for the efficient and economical working of the rights granted him.

(2) The term of such lease shall not exceed twenty-one years, and shall be renewable for successive periods not exceeding twenty-one years each,

- (a) if a well on such leased area is capable of producing oil or gas; and
- (b) if the lessee has complied to the satisfaction of the Minister with the terms of such lease and the provisions of the regulations in force from time to time during the currency of such lease.

(3) The renewal will be granted on the terms and conditions provided for in the regulations in force at the time of renewal.

(4) Such lessee may at any time or from time to time surrender the whole or any portion of such lease, but such surrender shall not extinguish any debts due the Crown in respect thereof.

Territorial Lands Act.—*continued*

(5) Where a licensee, permittee or lessee requires the continuous use for temporary periods of the surface of available territorial lands outside of his permit or leased area to search and work for or win and carry away his oil and gas, the Minister may grant permission therefor of such nature and upon such terms as he may in his discretion deem advisable.

Permission to Enter on Leased Lands

46. (1) Where the surface rights of an oil and gas permit or leased area or any part thereof are covered by a timber licence, grazing or coal mining lease, mining claim or other form of terminable grant, the permit or lease shall not authorize entry thereon without the permission of the Minister being first had and obtained.

(2) The Minister may, subject to such conditions as he may consider necessary, grant permission for such entry if the permittee or lessee deposits with the Minister money or bonds in such an amount satisfactory to the Minister as security for damages that may be caused by the permittee or lessee to the holder of such timber licence, grazing or coal mining lease, mining claim or other form of terminable grant.

Arbitration for Entry on Patented Lands

47. (1) Where the surface rights of an oil and gas permit or leased area have been patented, or have been disposed of by the Crown under any Act or regulation which contemplates the earning of patent for such surface rights, and the permittee or lessee of the oil and gas rights cannot make an arrangement with the owner of such surface rights or with his agent, or the occupant thereof, for entry upon the area or for the acquisition of such interest in the surface rights as may be necessary for the efficient and economical operation of the rights acquired under his permit or lease, he may, if the mineral rights in the land affected with access thereto and the right to use and occupy such portion of the land as may be necessary for the effectual working of the minerals therein have been reserved to the Crown in the original grant of the surface rights, apply to the Minister for permission to submit the matter in dispute to arbitration.

(2) Upon receiving such permission in writing, the permittee or lessee may give notice to the owner or his agent, or the occupant, to appoint an arbitrator within a period of sixty days from the date of such notice, to act with another arbitrator named by the permittee or lessee, to determine what portion of the surface rights the permittee or lessee may reasonably acquire,

- (a) for the efficient and economical operation of the rights and privileges granted him under his permit or lease;
- (b) the exact position thereof; and
- (c) the amount of compensation to which the owner or occupant shall be entitled.

(3) In cases where the permittee or lessee is unable to make an arrangement with the owner of the surface rights the Minister may grant him permission to enter thereon if,

- (a) the permittee or lessee undertakes to submit the matter to arbitration and abide by the award of the majority of the arbitrators; and
- (b) the permittee or lessee deposits with the Minister money or bonds in such an amount satisfactory to the Minister as security for any damage that may be caused to the owner of such surface rights and as security for the award of the arbitrators.

Territorial Lands Act.—*continued**Notice of Arbitration*

48. (1) The notice prescribed by section 47 shall be according to a form to be obtained upon application to the Oil Conservation Engineer, and shall when practicable be personally served on the owner of such land, or his agent, if known, or the occupant thereof, and after reasonable efforts have been made to effect personal service without success, then such notice shall be served by leaving it at or sending it by registered mail to the last known place of abode or address of the owner, agent or occupant, and by posting a copy of the same in the post office nearest to the land in question for a period of thirty days before the expiration of the time limited in such notice.

(2) Where the owner or his agent or the occupant of the land refuses or declines to appoint an arbitrator, or when for any reason, no arbitrator is so appointed in the time limited therefor in the notice, the Oil Conservation Engineer shall forthwith on being satisfied by affidavit that such notice has come to the knowledge of such owner, agent or occupant, or that such owner, agent or occupant, wilfully evades the service of such notice or cannot be found, and that reasonable efforts have been made to effect such service, and that the notice was left at the last place of abode or known address of such owner, agent or occupant, as above provided, appoint an arbitrator on his behalf.

Appointment of Third Arbitrator

49. Where the two arbitrators cannot agree upon the award to be made, they may, within a period of ten days from the date of the appointment of the second arbitrator, select a third arbitrator, and when such two arbitrators cannot agree upon a third arbitrator, the Director shall forthwith select such third arbitrator.

Arbitrators to be Duly Sworn

50. Arbitrators appointed under these regulations shall be sworn before a justice of the peace to the impartial discharge of the duties assigned to them, and after due consideration of the rights of the owner and the needs of the lessee they shall decide as to the particular portion of the surface rights which the latter may reasonably acquire for the efficient and economical operation of the rights and privileges granted him under his lease, the area thereof, and the amount of compensation therefor to which the owner or occupant shall be entitled; the amount of the costs of the arbitration and by whom they shall be paid shall be in the discretion of the arbitrators.

Determination of Value

51. In making such valuation the arbitrators shall determine the value of the land irrespective of any enhancement thereof from the existence of minerals thereunder.

Compensation

52. The arbitrators shall be entitled to be paid a per diem allowance of twenty dollars, together with their necessary travelling and living expenses while engaged in the arbitration.

Award

53. (1) The award of any two such arbitrators made in writing shall be final, and shall be filed with the Director within twenty days from the date of the appointment of the last arbitrator.

Territorial Lands Act.—*continued*

(2) Upon the order of the Minister the award of the arbitrators shall immediately be carried into effect.

(3) Failure on the part of the permittee or lessee to comply with the award of the majority of the arbitrators shall render the permit or lease subject to cancellation by the Minister.

Surrender of Leased Area

54. (1) Subject to subsection (2), a lessee may at any time or from time to time surrender the whole or any portion of a leased area but such surrender shall not extinguish any debt due the Crown in respect thereof.

(2) Except with the permission of the Minister, if any portion of the leased area is retained, that portion shall be of the prescribed shape and shall contain not less than six hundred and forty acres.

Substances Included in Lease

55. A lease shall in all cases include only the oil, gas, bitumen and associated substances produced therewith, the property of the Crown in the territorial lands leased which may be obtained by the usual drilling and production practices but shall not include,

- (a) oil shale or bituminous sands;
- (b) the oil which may be recovered from such shales or sands by the process of extraction customary in such operations; or
- (c) helium.

Assignment, Transfer and Sublease

56. (1) A lessee shall not assign, transfer, sublet or part with the possession of the rights described in his lease or any part thereof, without the consent in writing of the Minister being first had and obtained.

(2) The fee to be paid for each consent shall be ten dollars.

57. No company shall acquire a licence, permit or lease under these regulations unless it is incorporated in Canada or in any province thereof or is licensed under the law of Canada.

Royalty

58. (1) The products obtained from any permit or leased area shall be subject to a royalty in favour of the Crown as hereinafter prescribed:

For the first three years from the date that commercial exploitation of the field, on which the permit or leased area is situate has commenced, the rate shall be ten per cent of the products obtained from such field, and thereafter the rate shall be twelve and one-half per cent of such products, subject to the provision that the rate of royalty may be reduced from time to time by the Governor in Council if such reduction will enable the permittee or lessee to keep such area in operation for a longer period of time and to the further provision that such royalty as reduced may be increased by the Governor in Council from time to time to a rate not exceeding the original rate when the reasons for reductions no longer exist.

(2) Any sale of the products obtained from a permit or leased area shall include the proportionate royalty share of such products belonging to the Crown and by the twenty-fifth day of the month following the calendar month of sale, the permittee or lessee shall pay to the Crown in

Territorial Lands Act.—*continued*

lawful money of Canada or the equivalent thereof an amount equal to the value at the well head during the month of production of the Crown's royalty share sold and, for the purpose of this subsection, sale includes any use of the products other than those consumed under the provisions of subsection (3).

(3) No royalty shall be payable on oil and gas consumed by the permittee or lessee for drilling or production purposes on the permit or leased area.

(4) If the permittee or lessee sells or disposes of any products from his permit area or leased area before the Minister has declared that commercial exploitation shall be deemed to have commenced, the permittee and lessee shall pay to the Crown a royalty of ten per cent of the product sold.

(5) No royalty shall be payable on oil or gas returned to a formation or flared.

Notice of Intention to Begin Drilling Operations

59. (1) Before drilling a well or stratigraphic test hole or undertaking a program of structure test hole drilling, the licensee, permittee or lessee shall notify the Oil Conservation Engineer on the prescribed form in triplicate of his intention to begin operations.

(2) The licensee, permittee or lessee shall not begin drilling operations until he has received the approval in writing of the Oil Conservation Engineer of the proposals submitted under this section, but in any particular case such approval may first be given orally.

(3) No change in the program outlined in the notice of intention shall be made without submitting notice of the change of plans to the Oil Conservation Engineer and receiving his approval of such change, but in cases of emergency in which an immediate departure from or variation in the program is necessary, such departure or variation shall be made to the extent necessary, and in any such case the licensee, permittee or lessee shall immediately advise the Oil Conservation Engineer in writing.

Abandonment of Wells

60. (1) Before abandoning a well or stratigraphic test hole drilled under these regulations and before removing any part of the casing therefrom the licensee, permittee or lessee shall notify the Oil Conservation Engineer in writing of his intention to so do on the prescribed form in triplicate and shall obtain written approval of such abandonment and removal of casing from the Oil Conservation Engineer, but such approval may first be given orally.

(2) In abandoning wells and stratigraphic test holes, cement plugs shall be used to protect porous formations and, unless otherwise directed by the Oil Conservation Engineer, such plugs shall be set in accordance with good oil field practice, and new plugs shall be placed when necessary; seismic shot holes and structure test holes shall be abandoned by a method approved by the Oil Conservation Engineer and in accordance with good oil field practice.

(3) Upon abandonment of the well or stratigraphic test hole, all excavations shall be filled and exact locations of such well or hole shall be marked by a pipe not less than two inches in diameter set solidly into a concrete block or other approved material and projecting at least four feet above ground level.

Territorial Lands Act.—*continued*

(4) The name of the well or stratigraphic test hole shall be plainly and permanently marked on the pipe in a manner approved by the Oil Conservation Engineer.

61. (1) The permittee or lessee shall notify the Oil Conservation Engineer by submitting notification on the prescribed form in triplicate before drilling or production operations are suspended at any well or stratigraphic test hole.

(2) The permittee or lessee shall comply with any reasonable additional precautionary measures required by the Oil Conservation Engineer.

62. The permittee or lessee shall not deepen nor undertake the repair or the making of other permanent change to the condition of the well or stratigraphic test hole in which drilling has been suspended for a period of more than six months or which has been in production, without previously notifying the Oil Conservation Engineer and submitting the prescribed form in triplicate.

Daily Report

63. (1) While drilling is in progress on wells or stratigraphic test holes the permittee or lessee or their agents shall maintain on forms approved by the Oil Conservation Engineer a daily report of drilling operations and such report shall be made in duplicate, one copy being at all times retained at the well and open to inspection by the Oil Conservation Engineer.

(2) A copy of the original report shall be forwarded to the Oil Conservation Engineer at the end of each week during the course of such drilling operations.

(3) Such daily report shall set out complete data on all operations carried on during the day and without restricting the generality of the foregoing shall include,

- (a) depth at the beginning of the day or tour;
- (b) depth at the end of the day;
- (c) formation penetrated;
- (d) any change in casing;
- (e) if casing set, all data regarding setting with size, type, grade and weight of casing whether new or used, and depth at which it is set;
- (f) particulars of cementing;
- (g) any water, oil or gas encountered, even if only small showings;
- (h) any deviation surveys, formation tests or other tests carried on; and
- (i) any other operations carried on such as fishing, shooting, perforating, acidizing, surveying, whipstocking or abandonment.

Cores

64. (1) Unless otherwise directed by the Oil Conservation Engineer each licensee, permittee or lessee shall cause to be taken, preserved and maintained a series of samples taken at interval depths of ten feet of the various formations which any non-coring drilling penetrates in drilling a well or stratigraphic test hole, and the samples shall be washed, dried and preserved in bags accurately labelled with the name of the well, interval, depth and date of sample, and shall be forwarded prepaid in accordance with instructions issued by the Oil Conservation Engineer.

Territorial Lands Act.—*continued*

(2) A licensee, permittee or lessee when core drilling shall ensure that all cores taken from the core barrel shall be released in book fashion into core boxes and accurately labelled on the body, not the lid, of each box as to the number and interval of the core, top, bottom and percentage recovery of the core and the name of the well or stratigraphic test hole from which the core is taken.

(3) Boxes shall be of stout wooden construction; their sides shall project above the level of the contained cores and their lids shall be securely fixed to ensure safe transit; such boxes shall not exceed three feet in length.

(4) Reasonable steps shall be taken to protect boxes containing the cores from theft, misplacement or exposure to the weather, and after reasonable time has been afforded the licensee, permittee or lessee to carry out examinations and obtain core analyses of them, they shall be forwarded prepaid to the Oil Conservation Engineer when directed by him to do so.

(5) Unless the Oil Conservation Engineer approves,

(a) no cores shall be destroyed; and

(b) no cores shall be taken out of Canada except such portion thereof as is reasonably necessary for analytical purposes.

65. The licensee, permittee or lessee shall when a well or stratigraphic test hole being drilled is approaching a formation from which production of oil or gas may be expected, if required to do so by the Oil Conservation Engineer core and adequately test such formation but such coring and testing must be reasonable and proper and not detrimental to the operations being performed and such hole must be in proper condition.

Notification of Discovery of Oil or Gas

66. When during drilling operations under these regulations oil and gas or both be discovered, the licensee, permittee or lessee shall immediately notify the Chief of the Lands Division and the Oil Conservation Engineer by the most reasonably expeditious method.

67. (1) In the completion of any well, the permittee or lessee shall adopt such methods and use such equipment in accordance with good oil field practice.

(2) Upon completion of a well all excavations shall be filled and the name of the well shall be plainly and permanently marked at the well site.

Tests to be Made

68. The licensee, permittee or lessee, when directed by the Oil Conservation Engineer, shall make, or cause to be made, tests at intervals not exceeding five hundred feet from the top to the bottom of the well or such lesser intervals as the Oil Conservation Engineer may require for the purpose of ascertaining to what extent, if any, the well deviates from the vertical and shall submit a report of the same with the daily drilling reports at the end of each week.

Electric Log

69. (1) Unless otherwise directed by the Oil Conservation Engineer the licensee, permittee or lessee shall take or cause to be taken an electric log or approved substitute, of any well, stratigraphic test hole or structure test hole.

Territorial Lands Act.—*continued*

(2) The licensee, permittee or lessee shall cause to be taken the electrical resistivity and the weight and viscosity of the mud and these shall be recorded on the log.

(3) Two copies of each log shall be supplied to the Oil Conservation Engineer.

Reports to Oil Conservation Engineer

70. (1) A report in triplicate in the prescribed form shall be forwarded to the Oil Conservation Engineer within thirty days of,

- (a) the completion of a well or stratigraphic test hole; or
- (b) the suspension of drilling of a well or a stratigraphic test hole for a period of six months.

(2) The licensee, permittee or lessee shall within thirty days of receiving core, oil, gas or water analyses made by him or caused to be made by him, submit copies in duplicate to the Oil Conservation Engineer.

(3) Upon completion of a structure test hole program the licensee, permittee or lessee shall submit to the Oil Conservation Engineer a report in duplicate outlining the abandonment procedure carried out.

Information Confidential

71. Information furnished by a licensee, permittee or lessee under these regulations

- (a) respecting a wildcat well shall be deemed confidential and shall not be released until one year after the completion or abandonment of the well;
- (b) respecting any other operation under a licence or permit shall be deemed confidential and shall not be released until one year after the termination of the last renewal of the licence or permit; and
- (c) respecting a well other than a wildcat well, shall be deemed confidential and shall not be released until thirty days after such well is completed or abandoned.

(2) Such information may be released prior to the time fixed by subsection (1) when the licensee, permittee or lessee consents to such earlier release.

(3) For the purposes of this section a wildcat well is a well being drilled in search of a new source of supply.

Notice of Shooting of Well

72. (1) The permittee or lessee shall not allow a well to be shot with explosives until the Oil Conservation Engineer has been notified thereof.

(2) When shooting, perforating, hydraulically fracturing or chemically treating a well, all reasonable precautions shall be taken to ensure that no irreparable injury is done to the well and to prevent ingress of water or other foreign substance into any productive zone.

(3) The permittee or lessee shall submit to the Oil Conservation Engineer a report in duplicate on all wells shot, perforated, hydraulically fractured or chemically treated and shall include in such report particulars of the results obtained and of any damage done.

Territorial Lands Act.—*continued*

(4) In case any injury is done to the well by shooting, perforating, hydraulically fracturing or chemically treating, the permittee or lessee may repair or abandon the well and it shall be repaired or abandoned promptly to the satisfaction of the Oil Conservation Engineer, when such repair or abandonment is reasonably necessary to prevent waste of oil or gas or damage to persons or property.

Where Wells or Holes to be Drilled

73. (1) Except with the approval of the Oil Conservation Engineer, no well or stratigraphic test hole shall be drilled

- (a) within two hundred and fifty feet of the outer boundaries of a leased area, road allowance, surveyed road or other right of way, dwelling, school, church, cemetery, public building or public work; or
- (b) within half a mile of any existing or proposed flightway of any airfield.

(2) A licensee, permittee or lessee shall carry on his operations with a minimum of inconvenience and interference with existing or proposed airfields.

74. The Minister may, in his discretion, and having due regard to good operating practice, limit the number and define the distance apart of wells on any field.

Oil and Gas to be Conserved

75. (1) The licensee, permittee or lessee shall make adequate provision to the satisfaction of the Oil Conservation Engineer for the control of and conservation of oil and gas at every well, stratigraphic test hole and structure test hole, and he shall take all reasonable steps to maintain his equipment for such purpose in proper condition.

(2) Where at any time in the opinion of the Oil Conservation Engineer such equipment is inadequate, he may prescribe remedial measures which shall be instituted and completed before any further drilling or production is undertaken.

76. Whenever a stratum penetrated in a well, stratigraphic test hole or structure test hole produces gas, the licensee, permittee or lessee shall confine such gas to its original stratum until such time when it can be produced and utilized without waste.

Test of Water Shut off

77. Where during drilling or producing operations water makes its appearance in a well or stratigraphic test hole, or any indication appears that may reasonably be taken as evidence of change in the source or other condition of water already notified as having appeared in the well and stratigraphic test hole, the licensee, permittee or lessee shall immediately notify the Oil Conservation Engineer and, if the drilling system permits, shall take a sample of not less than one quart of such water to be placed at the disposal of the Oil Conservation Engineer for analysis.

78. (1) The licensee, permittee or lessee shall at all times take reasonable measures to the satisfaction of the Oil Conservation Engineer to prevent or to remedy the injurious access of water or gas or oil into a formation.

Territorial Lands Act.—continued

(2) When a test of a water shut off is intended to be made by the operator in any well or stratigraphic test hole, the licensee, permittee or lessee shall notify the Oil Conservation Engineer of the time that such test is to be made.

79. The licensee, permittee or lessee shall take all reasonable care and carry out such measures as may be satisfactory to the Oil Conservation Engineer to prevent the escape of salt water to any river or stream.

Equipment of Wells

80. (1) The surface and subsurface equipment of every oil and gas well shall be so arranged as to allow the taking of closed-in-pressure, bottom hole pressure, the working pressure or the making of any reasonable tests required; the lessee or permittee at his option shall at all reasonable times make or permit the Oil Conservation Engineer to make on any of or all his wells any such tests, and where such tests are being conducted by the Oil Conservation Engineer the permittee or lessee shall render the necessary assistance to enable him to carry out such tests.

(2) The subsurface equipment shall include a pin collar or its equivalent appended to the lower end of the production tubing as a safeguard against loss of testing equipment.

(3) The surface equipment shall include such valve connections as are necessary to sample the oil, gas or water produced.

Plans to be Furnished

81. The lessee shall furnish the Oil Conservation Engineer upon request with a plan in duplicate showing the position of all wells, pipelines, tanks, buildings or other structures on the leased area.

82. In the event of oil and gas being produced from any well, the lessee shall mail to the Chief of the Lands Division not later than the twenty-fifth day of each month a report in duplicate in respect of each well, such report to include information respecting production, storage and disposal of all oil, gas and water.

Production of Gas

83 (1) Subject to subsection (2), the production of gas from any gas well, except for the purposes mentioned in subsection (3) of section 58, shall be restricted to the market demand and shall not exceed twenty-five per cent of the open flow of the well.

(2) The Minister may in his discretion vary the limitations set out in subsection (1) as he deems expedient.

Precautions against Waste

84. Every licensee, permittee and lessee shall take all reasonable and proper precautions to the satisfaction of the Minister to prevent waste.

Delimitation of Pool

85. The Minister may in his discretion delimit an area within which oil or gas has been proved to occur as a pool, and may fix and regulate the production from all wells located therein in order to effect economic production and the conservation of oil and gas in such pool.

Territorial Lands Act.—*continued**Minister may Take Remedial Measures*

86. Where any well is a menace to oil, gas or water-bearing formations or to life or property, and if remedial measures are considered necessary, and the owner of the well fails to use such measures as may be directed by the Minister, the Minister shall at the expense of the owner, take such steps and employ such persons as he considers necessary to carry out the remedial measures; and for that purpose

- (a) may enter upon, seize and take possession of any such well, together with the whole or part of the moveable and immoveable property in, on or about the well or used in connection therewith or appertaining thereto; and
- (b) may take over the management and control thereof for the time necessary to carry out the remedial measures.

Safety Precautions to be Taken

87. (1) All reasonable precautions shall be taken to ensure that no inflammable or waste product of any kind from any tank, well or stratigraphic test hole shall be permitted to flow into any lake, stream or other body of water, or upon any highway or public road, and all waste of oil and refuse from tanks or wells shall be drained into adequate receptacles at a safe distance from tanks, wells or buildings to be immediately burned or transported to a safe disposal site.

(2) The permittee or lessee shall cause to be cleared of combustible material such area around any well or other works constructed or operated by him as may reasonably be required by the Oil Conservation Engineer, and when necessary and practicable shall construct and maintain a ploughed fireguard around such area.

(3) The permittee or lessee shall cause to be constructed adequate fire walls around oil storage tanks as may be required by the Oil Conservation Engineer.

Disposal of Earth, Rock and Waste

88. The licensee, permittee or lessee shall at all times make such reasonable provision to the satisfaction of the Oil Conservation Engineer for the disposal of earth, rock, waste or refuse so that the same shall not be an inconvenience, nuisance or obstruction to any roadway, pass, passage, river, creek or place or to any private, public or territorial lands, or conflict or embarrass the operating of any mines on such lands, or in any manner whatsoever occasion unnecessary private or public damage, nuisance or inconvenience.

89. Until such time as it is possible to comply with subsection (3) of section 60 and subsection (2) of section 67, the permittee or lessee shall enclose and keep enclosed all openings or excavations made in connection with or for the purpose of exploring for and producing oil and gas or other operations with fences or walls sufficient to prevent any person or animal falling therein, such fences or walls to be of a height and character satisfactory to the Oil Conservation Engineer.

Cancellation for Failure to Comply

90. (1) Where a permittee fails to make deposits required by these regulations within ninety days of the date such deposit should have been made, the permit shall be cancelled without notice.

Territorial Lands Act.—*continued*

(2) When a lessee fails to pay the rental within thirty days after the date upon which the same became due, the Minister may give written notice to the lessee specifying the default, and unless such default is remedied within thirty days of the date of the notice, the lease shall be subject to cancellation by the Minister.

(3) In the case of failure or neglect on the part of the licensee, permittee or lessee to comply fully with these regulations other than in respect of the defaults mentioned in subsections (1) and (2), the Minister may give written notice to the licensee, permittee or lessee specifying the breaches, and unless the breaches specified in the said notice are remedied within ninety days, the licence, permit or lease is subject to cancellation by the Minister.

Appeal in Certain Cases

91. (1) A decision of the Minister made under subsection (2) of section 2, section 33 or section 44, shall be subject to an appeal to the Exchequer Court.

(2) When an appeal from a decision of the Minister is permitted under subsection (1), a formal notice in writing of the decision of the Minister shall be mailed by registered mail to the permittee or lessee as the case may be at his last known address, and the appeal shall be taken within ninety days after the date of mailing of such notice unless otherwise extended by the Minister.

(3) Any such appeal shall be had and taken pursuant to the Exchequer Court Act and the Rules and Practice of that Court.

Permittees under Previous Regulations

92. (1) For the purposes of this section,

- (a) "1949 Regulations" means Regulations for the Disposal of Petroleum and Natural Gas Rights in the Northwest Territories and Yukon Territory established by Order in Council P.C. 2322 of the 9th day of May, 1949;
- (b) "prior permit" means a permit that was issued under the 1949 regulations and was subsisting immediately prior to the 1st day of May, 1953; and
- (c) a permit that was issued under any regulations for the disposal of petroleum and natural gas rights in the Northwest Territories or Yukon Territory and was in force immediately prior to the coming into force of the 1949 regulations shall, for the purposes of paragraph (b), be deemed to have been issued under the 1949 regulations.

(2) Notwithstanding the revocation of the 1949 regulations, a prior permit continues in effect until

- (a) the expiration of the period for which it was issued or renewed, or
- (b) the holder of the permit completes and files with the Chief of the Lands Division a request in the form set out in subsection (4), whichever is the earlier, and the 1949 regulations, except the provisions thereof respecting the renewal of permits, continue to apply in respect of such prior permits as though the 1949 regulations had not been revoked.

Territorial Lands Act.—*continued*

(3) Upon the completion and filing of a request with respect to a prior permit as provided in subsection (2), the prior permit shall be deemed to have been issued under these regulations for the remainder of the period for which the permit was issued or renewed, and all the provisions of these regulations are applicable thereto.

(4) The request referred to in this section shall be in the following form:

REQUEST

I,, holder of petroleum and natural gas permit No., issued pursuant to (insert a reference to the regulations under which the permit was issued) and in effect immediately prior to the first day of May, 1953, hereby request that from and after the date of filing of this request with the Chief of the Lands Division, the permit shall be subject to the Regulations respecting the Administration and Leasing of Oil and Gas Rights in the Northwest Territories and Yukon Territory, established by Order in Council P.C. 1954-1740 of the 18th day of November, 1954.

Dated at, this day
of, 195.....

.....
Signature of Permittee

6. Northwest Territories Quartz Mining Regulations

P.C. 1954-1852

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources, and pursuant to the Territorial Lands Act, is pleased to order as follows:

1. The Regulations for the disposal of quartz mining claims on Dominion Lands in the Northwest Territories, established by Order in Council P.C. 2318 of 9th May, 1949, as amended, are hereby revoked; and
2. The annexed "Regulations for the disposal of quartz mining claims on Territorial lands in the Northwest Territories" are hereby made and established in substitution for the regulations hereby revoked.

Territorial Lands Act.—*continued*REGULATIONS FOR THE DISPOSAL OF QUARTZ MINING CLAIMS ON
TERRITORIAL LANDS IN THE NORTHWEST TERRITORIES

1. These regulations may be cited as the *Northwest Territories Quartz Mining Regulations*.

2. These regulations are subject to such other provisions or regulations as may be made by or under the Territorial Lands Act or under any other Act which appear to be necessary or expedient in the public interest governing the development and operation of any mineral claim or mine acquired under these regulations in which ores containing radio-active elements occur, and also to such regulations as may be made governing the production, conservation and control of such ores.

Interpretation

3. In these regulations,

- (a) “adjoining claims” means those which come into contact, one with the other at some point on the boundary lines, or which share a common boundary;
- (b) “cause” includes any suit, action, or other proceeding;
- (c) “Department” means the Department of Northern Affairs and National Resources;
- (d) “Director” means the Director of Northern Administration and Lands Branch of the Department of Northern Affairs and National Resources;
- (e) “ditch” includes a flume, pipe, or race, or other artificial means for conducting water by its own weight, to be used for mining purposes;
- (f) “documents” for the purposes of these regulations means any assignment, transfer, bill of sale, or other writing which may in any way affect the title to a mineral claim;
- (g) “entry” means not only the record of a claim in the books of the mining recorder, but also the grant which may be issued for such claim;
- (h) “full claim” means any mineral claim of the full size;
- (i) “judgment” includes “order” or “decree”;
- (j) “legal post” means a stake or post marking a corner of a mineral claim which stake or post shall be of sound timber of sufficient length so that when firmly planted in the ground in an upright position, not less than four feet of such post shall be above ground; the post shall be of such diameter that when squared or faced for eighteen inches from the upper end, each face of the squared or faced portion shall be, as nearly as reasonably possible, four inches in width across the face for the full eighteen inches, or if a tree of suitable size is found in positions, it may be made into a post by cutting the tree off not less than four feet from the ground, and squaring and facing the upper eighteen inches, each face of the portion so squared or faced to be, as nearly as reasonably possible, four inches in width; whether a post is planted or a stump of a tree made into a post, a mound of stones or earth shall be erected around the base of the post, such mound of earth or stones to be not less than three feet in diameter on the ground and not less than eighteen inches high,

Territorial Lands Act.—*continued*

cone-shaped and well constructed, or in treeless territory, remote from any adequate timber supply, a metal tube not less than six inches long and one-half inch in diameter may, if acceptable to the mining recorder for the district, be substituted for the prescribed legal post, provided such tube is securely inserted in the apex of the mound of either earth or stones required under these regulations to be erected around the base of the post; in default of such tube, a tin can or metal container may be substituted, provided that it is inserted in such condition that the contents remain intact; the inscription which should be placed upon the legal post under these regulations, shall in such case, be fully and legibly inscribed in the order indicated on waterproof paper or fabric, in duplicate, and one copy inserted into the tube, can or container, and the other securely attached to the tube, can or container in such manner that the inscription shall be and remain clearly visible, and shall not become illegible or obliterated; the locator shall submit with his application a full and detailed statement respecting each case in which a metal tube, can or container has been substituted for a legal post, and shall submit to the mining recorder a copy of the inscription inserted in and attached to such tube, can or container, and a description of the material upon which it was so inscribed and how deposited;

- (k) "licensee" means a person, mining partnership, or company holding a miner's licence or renewal thereof issued under these regulations;
- (l) "mill-site" means a plot of ground located, as defined by these regulations, for the purpose of erecting thereon any machinery or other works for transporting, crushing, reducing or sampling ores, or for the transmission of power for working mines;
- (m) "mine" means any parcel or tract which shall be mined for gold or other minerals, precious or base, as defined in these regulations;
- (n) "mineral" means all deposits of gold, silver, and all naturally occurring useful minerals other than placer deposits, peat, coal, petroleum, natural gas, bitumen, oil shales, limestone, marble, clay, gypsum or other building stone when mined for building purposes, earth, ash, marl, gravel, sand, as well as any element which may, in the opinion of the Minister form a portion of the agricultural surface of the land;
- (o) "mineral claim" or "location" means a plot of ground containing mineral staked out and acquired under the provisions of these regulations;
- (p) "mining property" includes every mineral claim, ditch, mill-site, or water right used for mining purposes, and all other things belonging to a mine or used in the working thereof;
- (q) "mining recorder" means an officer of the Department of Northern Affairs and National Resources designated by the Minister to perform the duties of a mining recorder under these regulations for a mining district established under the Territorial Lands Act;
- (r) "Minister" means the Minister of Northern Affairs and National Resources;
- (s) "record", "register" and "registration" have the same meaning, and mean an entry in some official book kept for that purpose;

Territorial Lands Act.—continued

- (t) “recorded owner” means any person in whose name a mineral claim, acquired under these regulations, stands recorded in the records of the Department;
- (u) “representation” or “assessment” means the work to be done each year to entitle the owner of a claim to a certificate of work;
- (v) “saline solution” or “brine” for the purpose of these regulations means an aqueous solution of mineral salts occurring in a natural state, and containing more than one per cent of mineral salts in solution;
- (w) “submerged”, as applied to a mineral claim, means a mineral claim located in accordance with the provisions of section 32 of these regulations and completely covered by water;
- (x) “sub-recorder” means any person temporarily appointed by the Department to perform, in any remote district, such of the functions of the mining recorder for the district as may, for the convenience of the miners, be assigned to him, and under the direction of such mining recorder.

Duties of Mining Recorder

4. Every mining recorder shall keep the following books, to be used for quartz entries:

- (a) record of applications,
- (b) record of leases issued,
- (c) record book,
- (d) record of documents received,
- (e) record of licences issued.

5. Every entry made in any of the mining recorder’s books shall show the date upon which such entry is made.

6. All books of record and documents filed shall, during office hours, be open to public inspection upon payment of a fee of ten cents in connection with each claim searched.

7. A statement of grants issued and fees collected shall be rendered by the mining recorder at least every month, and such statement shall be accompanied by the amount collected, or, if the money has been deposited to the credit of the Receiver General, by the deposit receipts.

8. (1) Upon any forfeiture or loss of rights in a mineral claim, the mining recorder shall forthwith enter a note thereof with the date of entry upon the record of the claim, and shall mark the claim “lapsed”.

(2) Relief from forfeiture or loss of rights, as provided in section 68 of these regulations shall also be noted on the record of the mineral claim by the mining recorder.

9. If application is made to the mining recorder for the reservation of lands for dumping purposes, in connection with any mining operations in progress or in contemplation, he may mark out a space of ground and reserve it for the deposit thereon of tailings, leavings or deads from any tunnel, claim, or mining ground, upon such terms as he may consider just; a survey and plan, in duplicate, of the area so reserved shall, if required by the mining recorder be made at the expense of the person or persons

Territorial Lands Act.—*continued*

desiring to use it for the purpose mentioned and payment shall be made in advance to the mining recorder by such persons of the rental at the rate of one dollar per acre per annum; if such tract is not utilized for such purposes within a period of three years from the date of the reservation, or if the annual rental is not promptly paid in advance, or if a survey and plan are not made, as required, the Minister may cancel the reservation.

10. The mining recorder shall have the power summarily to order any mining works to be so carried on as not to interfere with or endanger the safety of the public or any employee of such mining works, any public work or highway, or any mining property, and any abandoned works may, by his order, be either filled up or guarded to his satisfaction.

11. Where a claim has been recorded under any name, and the recorded owner or his agent is desirous of changing the same, the mining recorder may, upon application being made by such owner or agent, and upon payment of a fee of twenty-five dollars, amend the record accordingly, provided, however, that such change of name shall not in any way affect or prejudice any proceedings or execution against the recorded owner of the said claim.

Licences to Mine and Licence Holders

12. (1) Any person over eighteen years of age and any joint stock company incorporated or licensed to do business in Canada but not including a partnership, shall be entitled, on payment of the prescribed fee, to obtain a miner's licence in the prescribed form.

(2) The licence shall be dated the day of the issue thereof; every renewal of a licence shall bear date the 1st of April following the expiration of the licence or renewal; every licence and every renewal of a licence shall expire on the 31st day of March following the date of issue.

(3) The licence shall be effectual throughout all land subject to these regulations and shall not be transferable.

(4) Licences to companies shall be issued by the Director.

(5) Licences to individuals may be issued by the Director or by a mining recorder or sub-recorder.

13. (1) Every miner's licence shall be numbered, and shall be stamped to indicate the office from which it was issued.

(2) Any licensee shall at any time be entitled to obtain a renewal of his licence commencing to run at the expiration of his then existing licence or renewal provided that when he applies for such licence or renewal he shall produce such existing licence or renewal.

(3) If a miner's licence be accidentally destroyed or lost, the holder may, on payment of the prescribed fee, obtain a duplicate thereof upon advice from the office out of which the original was issued; every such duplicate shall be marked "Substitute Licence".

(4) No person, mining partnership, or company shall apply for or hold more than one miner's licence covering the same period.

14. (1) No person, mining partnership, or company, not the holder of a miner's licence, shall prospect for minerals upon lands subject to these regulations or stake out, record or acquire any claims for which a lease or patent has not already been issued, or acquire any right or interest therein.

Territorial Lands Act.—*continued*

(2) A miner's licence held by a mining partnership or a company shall not entitle any partner, shareholder, officer or employee thereof to the rights and privileges of a licensee.

(3) A person who is not a licensee shall not stake out a mineral claim on behalf of a mining partnership or a company.

(4) A clerk or employee of a licensee performing clerical, manual, or other services of a like nature, shall not be required to be a holder of a miner's licence.

(5) On the expiration of a licence, the owner thereof shall forfeit absolutely all his rights and interests in or to any mineral claim acquired under such licence, for which a lease or patent has not been issued, and all and any of the minerals therein, unless he obtain, prior to its expiry, a renewal of his licence, except as provided in section 68.

(6) The Minister, upon proof to his satisfaction of the wilful contravention by any person holding a miner's licence of any of the provisions of these regulations, may revoke the miner's licence of that person and may direct that no other miner's licence be issued to that person during such time as the Minister may, in his discretion, prescribe.

(7) Every licensee shall, upon demand, produce and exhibit his licence to the mining recorder or inspecting officer.

(8) The licensee, his agents or employees shall exercise every care in the use of fire; any infraction of existing fire laws on the part of the licensee, his agents or employees shall render the licence liable to cancellation.

Where and by Whom Claims May be Acquired

15. Every licensee shall have the right personally, but not through another, except as provided in section 20 of these regulations, to enter, locate, prospect, and mine upon any vacant Territorial lands for the minerals defined in these regulations, and upon all lands the right whereon so to enter, prospect, and mine such minerals has been, or hereafter shall be reserved to the Crown, and also to enter, locate, prospect, and mine for gold and silver upon any lands the right whereon so to enter and mine such gold and silver has been, or shall be, reserved to the Crown; excepting, however, land occupied by any building and land falling within the curtilage of any dwelling house, and any orchard, and any land valuable for water-power purposes, or for the time being actually under cultivation, unless with the written consent of the owner, lessee, or locator, or of the person in whom the legal estate therein is vested, or any land on which is situated any church or cemetery, or any land lawfully occupied for mining purposes, and excepting also game sanctuaries, Indian reserves, national parks, and military, naval, quarantine, and all other reservations made by the Government of Canada.

16. All undrained or partially drained topographic basins, in which occur natural deposits of soluble salts of sodium, potassium, and magnesium, whether such salts occur in a solid state or in solution, the property of the Crown, and including salt marshes, saline sloughs, saline lake basins, brine springs, and all other types of natural accumulations of soluble mineral salts are withdrawn from disposal under the provisions of these regulations.

Territorial Lands Act.—continued

17. Subject to the provisions of section 9 of these regulations,

- (a) no person for mining purposes shall enter upon lands owned or lawfully occupied by another until he has received the written permission of the mining recorder;
- (b) no person shall mine upon lands owned or lawfully occupied by another until he has given security satisfactory to the mining recorder for any loss or damage which may be thereby caused;
- (c) persons who enter, locate, prospect or mine upon lands owned or lawfully occupied by another shall make compensation to the owner and occupant for all loss or damage so caused, such compensation in case of a dispute shall be fixed by a Stipendiary Magistrate of the Northwest Territories.

Size of Claims and Number Which May be Acquired

18. Any licensee desiring to locate a mineral claim shall, subject to the provisions of these regulations with respect to land which may be located for such purpose, enter upon the same and locate a plot of ground fifteen hundred feet in length by fifteen hundred feet in breadth, with boundary lines running north and south and east and west as nearly as possible, and subject in extent to the rights acquired to any claim or claims previously located in the vicinity, on which such location may encroach; where a number of contiguous claims have been located, priority of location shall be deemed to convey priority of right to the claim so located, but no locator shall have any prior rights unless and until he has located his claim in accordance with the provisions of these regulations; all angles shall, as nearly as possible, be right angles, except in cases where a boundary line of a previously located claim is adopted as common to both locations; in defining the size of a mineral claim, it shall be measured horizontally, irrespective of the inequalities of the surface of the ground.

19. Any licensee desiring to locate a fractional mineral claim shall, subject to the provisions of these regulations with respect to land that may be located for such purpose, enter upon the same and locate any plot of ground lying between and bounded on opposite sides by previously located mineral claims and known by the locator to measure less than the area prescribed in section 18, as a fractional mineral claim; such fractional mineral claim need not be rectangular in form and the angles need not necessarily be right angles, and the lines of the previously located mineral claims, whether surveyed or not, between which the fractional mineral claim is located, may be adopted as the boundaries of the fractional mineral claim.

20. (1) A licensee may, in any one licence year, in any one mining district, stake out and apply for;

- (a) not more than six mineral claims on his own licence;
- (b) not more than six claims each for not more than two other licensees, being eighteen claims in all.

(2) If a licensee stakes out under the regulations a claim upon which he has made independent discovery of mineral in any portion of the Northwest Territories, and if he posts conspicuously on the claim a legible notice claiming discovery and protection, and forwards to the mining recorder for the district, as soon as reasonably possible, advice of such discovery and posting, accompanied by full information as to the position of the claim staked and the character of the discovery made, together with a request for protection from encroachment upon his discovery, no person other

Territorial Lands Act.—*continued*

than the said licensee or any person authorized by him shall, for a period of thirty days after the date of such staking, have the right to stake out or record a claim within the limits of a square containing a total area of four square miles including and surrounding the claim so staked, each of the boundaries of which square shall be two miles in length, and shall be lines drawn astronomically at a distance of one mile due north and one mile due south, one mile due east and one mile due west in direct distance from No. 1 post marking the claim in connection with which the request is made; priority of right to protection shall be based upon the date of staking inscribed on the No. 1 post marking such discovery claim; the Director may, in his discretion, extend the period of thirty days' protection above provided for, subject to such conditions as he may consider it advisable to impose, and applicable to such tract as he may designate, and he may at any time withdraw this right of protection from any portion or portions of the said Territories.

21. The Director may grant a location for the mining of iron and mica, not exceeding 160 acres in area, which shall be bounded by north and south and east and west lines astronomically, and its breadth and length shall be equal; provided that should any licensee making any application purporting to be for the purpose of mining iron or mica, thus obtain possession of a valuable mineral deposit other than iron or mica, his right to such deposit shall be restricted to the area hereinbefore prescribed for other minerals, and the rest of the location, in so far as such valuable deposit is concerned, shall thereupon remain in the Crown for such disposition as the Director may direct.

22. The grant issued for such a location shall include the right to the iron and mica only, and shall not include the surface.

23. Provided also that all the requirements as to the location and survey of claims contained in these regulations shall govern such locations as far as they can be made to apply, and provided also that the amount to be expended each year in representation work shall be two hundred dollars.

*How a Mineral Claim Other Than a Submerged Mineral Claim
Shall be Staked*

24. Every mineral claim, other than a submerged mineral claim, shall be marked on the ground by four (4) legal posts firmly planted in the ground, one at each of the four corners of the claim, beginning with and marking that at the northeast corner "No. 1"; that at the southeast corner "No. 2"; that at the southwest corner "No. 3"; and that at the northwest corner "No. 4", so that the number shall be on the side of the post toward the post next following it in the order named; in treeless territory remote from any adequate timber supply, this may be modified in accordance with the method prescribed in section 3 in the definition of a legal post.

25. The inscriptions to be placed on these posts shall be and remain clearly and legibly marked by knife, marking iron, or crayon, but not so as to become illegible or obliterated; in treeless territory, remote from any adequate timber supply, this may be modified in accordance with the method prescribed in section 3 (legal post).

26. On location post No. 1 on the side facing in the direction of location post No. 2 shall be marked, beginning near the top of the portion faced and extending downward, the following:

Territorial Lands Act.—*continued*

- (1) No. 1,
- (2) the name given to the claim,
- (3) the name of the licensee staking out the claim and number of his licence,
- (4) the date and hour of staking out, and
- (5) if the claim is staked out on behalf of another licensee, also the name of such other licensee and the number of his licence.

27. On location posts Nos. 2, 3 and 4 shall be marked, beginning near the upper end of the portion faced and extending downward, the following:

- (1) No. 2, No. 3 or No. 4,
- (2) the name given to the claim, and
- (3) the name of the licensee locating the claim, and if the claim is staked on behalf of another licensee also the name of such other licensee.

28. The markings on the location posts of a fractional claim shall be the same as those upon a claim of the full size, with the addition of the letter "F" for fractional immediately below the name given to the claim.

29. In case it is found impossible, owing to the presence of water or other insurmountable obstacle, to set a corner post in its proper position, the locator shall set up a "witness post" on a boundary line, if practicable, as near as possible to where the post should have been placed, and upon this witness post he shall, in addition to the information already prescribed in these regulations to be placed on the corner post, place the letters "W.P.", and further he shall place on the "witness post" the distance in feet from the "witness post" along the boundary line to the true corner of the mineral claim, and if the "witness post" is not placed on a boundary of the mineral claim he shall, in addition, place on the "witness post" the direction from the "witness post" to the true corner of the mineral claim.

30. When the claim has been located, the locator shall mark out immediately the boundary lines, so that they may be distinctly seen at every point throughout their length, by cutting away trees and brushwood and removing obstructions, and trees and brushwood likely to obstruct a clear view of the lines throughout their entire length, or of the posts marking the claim, shall be removed; the trees at each side of and adjoining the lines shall also be marked at intervals of about fifty feet by placing on each tree three blazes, one blaze on each tree facing the lines, and one blaze on each side of the tree in the direction of the said lines; in a locality where there is neither timber nor brushwood, the locator shall set legal posts or erect monuments of earth or rock not less than eighteen inches high and three feet in diameter at the base, so that such line may be distinctly seen throughout its entire length.

31. All the particulars required to be put on Nos. 1, 2, 3 and 4 posts shall be furnished by the locator to the mining recorder, in writing, at the time the application is made, and shall form a part of the record of such claim, if granted; the locator shall submit, with his application, which shall be in duplicate, a plan in duplicate showing as nearly as possible the position of the location applied for in its relation to the prominent topographical features of the district and to the adjoining claims or some other known point; also the position of the stakes by which the location is marked on the ground.

Territorial Lands Act.—continued

32. (1) Where a licensee has reason to believe an ore body lies under water he may locate one or more submerged mineral claims.

(2) A submerged mineral claim may be located by planting a witness post on a production in a straight line of the north or east boundary of the claim as near as possible to the claim on the shore or bank of the water covering the claim above high water mark.

(3) The witness post shall bear the following marks on the side facing in the direction of the northeast corner of the submerged claim;

- (a) the letters "SC" denoting submerged claim;
- (b) the letters "WP" denoting witness post;
- (c) the name given to the mineral claim;
- (d) the name of the licensee locating the claim and the number of his licence;
- (e) the date and hour of locating;
- (f) if the mineral claim is located on behalf of another licensee, the name of such licensee and the number of his licence; and
- (g) the distance north, south, east or west to the northeast corner of the claim.

(4) Where a licensee desires to locate a submerged mineral claim, one boundary of which will also be one of the boundaries of a submerged mineral claim already located, he may in lieu of the information required by paragraph (g) of subsection (3), place on the witness post information giving the exact location of the mineral claim with reference to the submerged claim already located.

(5) Every submerged mineral claim shall be so indicated by the mining recorder on the Form "B"—Record of a Mineral Claim—and upon the record of that mineral claim.

(6) The locator shall submit with his application, which shall be in duplicate, a plan in duplicate showing the position of the witness post of the claim in its relation to at least one of the prominent topographical features of the district.

33. Post No. 1 shall not be moved under any circumstances and Posts Nos. 2, 3, and 4 shall only be moved by a Dominion Land Surveyor when authorized under the provisions of these regulations.

34. Except as provided in these regulations,

- (a) no person shall move any legal post of a mineral claim whether such mineral claim is in good standing or otherwise; and
- (b) no person shall deface or alter in any manner the notices or markings on any legal post of a mineral claim whether such mineral claim is in good standing or otherwise.

35. When a fractional mineral claim has been located between previously located and unsurveyed mineral claims, and when any such previously located mineral claims are surveyed, if any of the posts of the fractional mineral claim are found to be not on the surveyed boundaries of the previously located mineral claims, the location of such fractional mineral claim shall not be invalid for that reason, and the owner of such fractional mineral claim may, by obtaining the permission of the mining recorder, move the posts of the fractional mineral claim and place them on the surveyed lines of the adjoining previously located mineral claims.

Territorial Lands Act.—*continued*

36. Nothing in these regulations, however, shall be construed to prevent Dominion Land Surveyors in their operations from taking up posts or other boundary marks when necessary.

Recording

37. Subject to section 40, within fifteen days after a mineral claim has been staked out by a licensee, either on his own behalf or on behalf of another licensee, application for a record of such claim shall be made to the mining recorder for the district, if the claim has been located within ten miles of the office of the said recorder; where the claim staked is situated more than ten miles by travelled route from the office of the recorder, for every additional ten miles or fraction thereof an additional day shall be allowed for filing application for such record; the application shall be in duplicate and in the prescribed form, and shall be accompanied by a plan, in duplicate, showing the position of the claim, as prescribed by section 31 of these regulations; the record shall be made in a book to be kept for that purpose in the office of the mining recorder, in which shall be inserted the name of the licensee by whom the claim was staked out, the name of the licensee on whose behalf application is made, the numbers of their respective licences, the name of the claim, the locality, the date of location, and any other further information required in accordance with the provisions of these regulations; the record shall be as nearly as may be possible in the form "B" in the schedule of these regulations, which form, duly completed and signed, shall be given by the mining recorder, to the locator or his agent; a claim which shall not have been recorded within the prescribed period shall be deemed to have been abandoned and forfeited without any declaration of cancellation or abandonment on the part of the Crown.

(2) A licensee by whom application is made to record a mineral claim shall at the time of application, produce his licence, and the mining recorder shall endorse and sign upon the back of the licence the record of the claim or claims recorded together with a record of claims staked by the licensee on behalf of the other licensees if such there be, a record of claims staked on behalf of such other licensees shall also be recorded on the back of the licence of the licensee in whose name such claims are to be recorded; no record shall be complete or effective until such endorsement or endorsements has or have been made.

38. In the event of the claim being more than one hundred miles, by travelled route, from the recorder's office, and situated in an area where other claims are being located, the licensees, not less than five (5) in number, are authorized to meet in such area and appoint one of their number an "emergency recorder".

39. Where a claim is recorded with an emergency recorder as provided in the next succeeding section, the application for a record of such claim shall be made to the emergency recorder within seven days after the date of the staking of such claim.

40. (1) The emergency recorder shall, at the earliest possible date after his appointment, notify the mining recorder for the district in which the claims are, of such appointment, and he shall deliver personally or otherwise to such mining recorder the applications which he may have received for mineral claims and the fees which he may have collected for recording the same; the mining recorder shall then grant to each person

Territorial Lands Act.—continued

from whom the emergency recorder has accepted an application and a fee, an entry for his claim in the form "B" of these regulations, provided such application was made in accordance with the provisions of these regulations on form "A", "A-1" or "A-2" thereof, the entry to date from the date the emergency recorder accepted the application and fee. If the emergency recorder fails within four months to notify the mining recorder of his appointment, and to deliver to him personally or otherwise the applications received and the fees collected, entry for such claims may be refused in the discretion of the Director; the emergency recorder shall note on each application the date upon which such application was received by him and the amount of fees paid in respect thereto.

(2) An emergency recorder who, while acting as such, has staked claims in the vicinity of claims staked by the licensees who appoint him an emergency recorder, may record mineral claims so staked by him at any time within the period in which he is required to deliver to the mining recorder his appointment and the applications received by him from the other licensees.

41. No mineral claim shall be recorded unless the application is accompanied by an affidavit or solemn declaration made by the applicant on form "A" of these regulations, or if it be a fractional mineral claim on the form "A-1", or if it be a submerged mineral claim on the form "A-2".

42. Provided that failure on the part of the locator of a mineral claim to comply in every respect with the foregoing provisions shall not be deemed to invalidate such location, if, upon the facts, it shall appear to the satisfaction of the mining recorder that such locator has staked out such location as nearly as possible in the manner prescribed, and that there has been on his part a *bona fide* attempt to comply with all the provisions of these regulations, and that the non-observance of any of the formalities hereinbefore referred to is not of a character calculated to mislead other persons desiring to locate claims in the vicinity; the mining recorder may, however, before granting entry, require the locator to remedy immediately any material defaults committed in the observance of the formalities required by these regulations in respect of the location of a mineral claim, and if such defaults are not remedied within a period to be fixed by the mining recorder, and to his satisfaction, entry may be refused.

43. A locator shall not be entitled to a record of a mineral claim until he shall have furnished the mining recorder with all the particulars necessary for such record.

44. (1) Except in cases to which the provisions of section 40 and subsection (2) of this section apply, the record of a mineral claim shall be made at the office of the mining recorder for the district in which the claim is situated, but the application may be made to an agent of Territorial lands, a sub-agent, a mining recorder or sub-recorder, to be forwarded to the mining recorder for the district in which the claim is situated; the date upon which the application and the fee may be received in the office of the mining recorder for the district in which the claim is situated, however, shall govern, and shall be considered the date of the application.

(2) Where a prospector stakes a number of adjacent mineral claims, any one of which lies across the boundary or boundaries of adjoining mining districts, or which the prospector or mining recorder may believe

Territorial Lands Act.—*continued*

to lie on or near such boundary or boundaries, the prospector may record the claims in the office of any one of the mining districts, the boundary of which lies across or near his claims; in such cases the prospector shall prepare such additional copies of his affidavits and sketches as are required for filing in other mining districts which may be affected and deliver them to the mining recorder who shall forward certified copies of the documents filed with him to the mining recorder of such other mining districts; the mining recorder with whom such mineral claims are first recorded may on his own initiative file copies of documents respecting any mineral claim which he believes lies near or across the boundary of another mining district with the mining recorder of that district.

(3) A mining recorder shall keep a special record of:—

(a) such mineral claims originally recorded in his office;

(b) mineral claims which were originally recorded in the office of another mining recorder and later recorded in his office.

(4) Any person desiring to file a document affecting any claim recorded under the provisions of subsection (2) of this section shall file such document in the office of the mining recorder who issued the form "B" and supply such mining recorder with certified copies of such document for filing in the office of the mining recorders of the other mining districts affected.

(5) A mining recorder shall make no charge for filing certified copies sent to him by another mining recorder.

45. As soon as reasonably possible after the recording of the mineral claim, the recorded owner of the claim shall affix or cause to be affixed securely to each of the corner posts of the said claim, a metal tag plainly marked or impressed with the recorded number and letter or letters, if any, of the claim, and in default the claim may be cancelled by the mining recorder on the application of anyone misled by the lack of such tags; the mining recorder, on application, shall supply such numbered tags free of charge.

46. Where a tunnel is run for the development of mineral, the owner of such tunnel shall, in addition to any mineral claim legally held by him, have the right to all minerals discovered in such tunnel, provided that the ground containing such minerals be marked out by him as a mineral claim, and provided, further, that such minerals are not included in any existing mineral claim; any money or labour expended in constructing a tunnel to develop minerals shall be deemed to have been expended on such mining property.

47. (1) The recorded owner of a mineral claim shall be entitled to all minerals to which these regulations apply, the property of the Crown, which may lie within his claim, but he shall not be entitled to mine outside the boundary lines of his claim continued vertically downwards.

(2) In case mineral of economic value is discovered and claims comprising such discovery have been recorded under the provisions of these regulations, and in case evidence is furnished to the satisfaction of the Minister that the recorded owner of such claims is prepared to incur large additional expenditures in further prospecting and development work with a view to further discoveries and the ultimate establishment of a large mining industry, the Governor in Council may, upon application and upon proof of the applicant's financial ability and intention to make the required

Territorial Lands Act.—*continued*

expenditures, withdraw from disposal under these regulations, by apt amendment thereof, for such period and upon such terms and conditions as the remoteness of the region may appear to warrant, such area surrounding the claims already acquired by the applicant as may be considered necessary to permit of legitimate prospecting operations being continued and commensurate to the expenditures incurred and contemplated.

(3) The person on whose behalf such a withdrawal may be made may be required by notification to release from time to time such portions of the area as the minister may deem it advisable in the public interest should be released, and the portions so released shall, upon rescission by the Governor in Council of the amendments of the regulations aforesaid, pursuant to the requirements of the Territorial Lands Act, become subject to all the provisions of the regulations.

(4) The mining recorder for the district shall, while such area remains withdrawn, refuse to record any mineral claim within the limits thereof, except to the applicant or to any person authorized by him.

48. Any location made upon a Sunday or any public holiday shall not, for that reason, be invalid.

49. The interest of a recorded owner of a mineral claim shall, prior to the issue of a lease, be deemed to be a chattel interest, equivalent to a lease of the minerals in or under the land for one year, and thence from year to year, subject to the performance and observance of all the terms and conditions of these regulations.

Grouping

50. Upon written application being made to him by the recorded owner or owners of adjoining claims, not exceeding thirty-six in number, the mining recorder may grant a certificate in the form "E" authorizing the claims to be comprised in one group, and the recorded owners of the claims so grouped shall be permitted to perform on any one or more of such claims all the work required to entitle him or them to a certificate of work for each claim; the grouping certificate shall be issued on payment of the fee prescribed and shall be recorded against each claim affected, without payment of any additional recording fee.

Representation

51. (1) Any licensee having duly located and recorded a mineral claim, shall be entitled to hold it for the period of one year, and thence from year to year, without the necessity of re-recording the same, provided, however, that during each year and each succeeding year the recorded owner of such mineral claim shall perform or cause to be performed work on the claim itself which shall consist of stripping or opening up mines, sinking shafts, boring, drilling, or other actual mining operations, to the value of at least one hundred dollars; the cost of surveying a mineral claim under instructions from the Surveyor General, not exceeding one hundred dollars, may be accepted as representation work upon the claim provided an affidavit in the form "C" is completed and sworn to by the Dominion Land Surveyor making the survey; work performed on a mineral claim, after such claim has been duly located and before it has been recorded, may, if acceptable, be considered as work required to be done during the first year.

Territorial Lands Act.—*continued*

(2) If more work is performed by or on behalf of the recorded owner of a claim than is herein required during any year, the excess, upon proof of the same having been performed in accordance with the requirements of these regulations, shall be credited by the mining recorder upon the work required to be done during the subsequent year or years; excess work shall be recorded during the year in which it was performed or within one month after the expiry of such year.

(3) Where it is shown that a recorded owner has performed work in geological investigations, aerial reconnaissance, or other like preliminary operation which appears to be essential to the successful location of commercial ore bodies, on any claim or on any claims grouped together for the performance of work, consideration may be given to the expenditure incurred in the performance of such work, or of such portion of the work as the Director may consider justifiable which may have been performed prior to the termination of the first three years after the date of the record of the claim or of the group of claims affected, but consideration shall not be given to any such work subsequently performed; work so performed shall not, however, be accepted in satisfaction of the requirements of clause (a) of section 61 of these regulations, nor shall credit which may have been granted a claim owner under subsection (2) of this section, on account of the performance of excess work of this class, be accepted as representation work on any claim beyond the termination of the third year after the date of the record of such claim.

(4) Within one month after the expiration of each period during which work should, under these regulations, be performed on a mineral claim, the recorded owner of such claim shall furnish the mining recorder for the district with evidence that such work has been done, which evidence shall be submitted under affidavit in the form "C" of these regulations, containing a detailed statement, in duplicate, of the work performed and the dates upon which it was so performed, together with a sketch of the claim or claims affected, clearly indicating the position and extent of such work; if geological investigation or other like preliminary operation is claimed in the statement submitted as representation work performed, copies of all maps or other like information so obtained, in duplicate, shall accompany that statement. If such evidence is received in the office of the mining recorder within the period specified, and if the mining recorder is satisfied that the prescribed work has been duly performed, he shall issue to the owner of the claim a certificate in the form "D" hereto, of such work having been done; if for any reason he may deem it advisable, the mining recorder may, after noting the evidence in his records, have an inspection made of the work done and if he is satisfied as the result of such inspection that the work has been duly performed, as required, he shall then issue a certificate to that effect; if the statement submitted of work performed includes geological investigation, aerial reconnaissance, or other like preliminary operation, such statement shall in all cases be referred to the Director before a certificate is issued; if, in the opinion of the Director, the prescribed work has not been done or sufficient work has not been performed, the recorded owner of the claim shall not be entitled to a certificate of work; if evidence of work performed is submitted to the mining recorder within the required period, the claim shall not be deemed to have lapsed because of any delay which may occur in consideration of the evidence or in making any investigation which may be deemed necessary; an affidavit shall not be required for any period during which, in consequence of the work having previously been done and accepted, no work has been done; the

Territorial Lands Act—continued

affidavit shall show in detail the names and addresses of the persons who actually performed the work and the date upon which each person worked in its performance.

(5) The construction of buildings or roads or other like improvements shall not constitute actual mining operations within the meaning of this section.

52. (1) The Director may grant extensions of time for periods up to one year for the performance of the representation work prescribed by subsection (1) of section 51; provided,

- (a) that written reasons in justification of the extension of time satisfactory to the mining recorder, are submitted to and received by such mining recorder prior to the expiry of the period of time in which the work should have been done; and
- (b) that a fee of five dollars (\$5.00) is tendered for each claim affected along with such written reasons.

(2) If, however, the proper amount of work as required by section 51 is not done during the time prescribed by these regulations and any extensions of time granted under this section, the claim shall lapse on the expiry of that period of time during which the work should have been performed without any declaration of cancellation or forfeiture on the part of the Crown and be open for relocation under these regulations only after one month from the expiry of such period.

53. If the recorded owner of a fractional mineral claim furnishes evidence to the satisfaction of the mining recorder that the area of such claim is less than twenty-five acres, the work required to be done each year in mining operations on such fractional claim, to entitle the recorded owner to a certificate of work, shall be one-half that required under these regulations in respect of a full claim; if, however, upon survey, a fractional claim in connection with which such representations have been made is found to contain twenty-five acres or more, the recorded owner thereof shall be required to complete the additional work required for a full claim, before he shall be entitled to receive a certificate of improvements in connection with such claim.

54. If two or more persons own a claim, each such person shall contribute proportionately to his interest in such claim to the work required to be done by section 51 of these regulations and to the payment of all expenses and charges, including fees for licence and renewals thereof, provided for in the regulations, and in the event of its being proved to the satisfaction of the mining recorder, after notice of hearing has been served as directed on all the parties interested, that any co-owner has not done so, his interest shall become vested, by order of the mining recorder, in the other co-owner or co-owners according to the sum of the value of the work done and money paid by each respectively.

55. (1) The mining recorder, any mining inspector or any officer appointed by the Minister, may inspect a mineral claim at any time.

(2) A report of each inspection, except when made only for the purpose of a dispute, appeal or other proceeding, shall be made in writing by the inspecting officer and shall be filed in the office of the mining recorder who shall forthwith enter upon the record of the mineral claim a note stating the effect of the report and the date of entry.

Territorial Lands Act—continued

(3) Subject to section 58 of these regulations, if the mining recorder, upon the report or upon any investigation he may deem necessary as a result of the report, deems that the mineral claim or any entry upon the record of a mineral claim should be cancelled, he shall issue an order to that effect, setting out the reasons for such order; such order shall be entered forthwith upon the record of the mineral claim, and the mining recorder shall affix his signature or initials thereto, and shall mark the mineral claim or the entry thereon "cancelled", and shall, by registered letter forthwith, notify the recorded owner of the mineral claim and other interested parties, if any, of the receipt and effect of the report or of his investigation and that the mineral claim, or entry upon the record of the mineral claim, as the case may be, is cancelled.

(4) Should it be proved to the satisfaction of the mining recorder that any person has:—

- (a) been guilty of misrepresentation in the statement sworn to by him in the form "C" of these regulations, or in any of the statements required under these regulations to be made by him under oath, or
- (b) removed, or destroyed with intent to remove, or defaced any legal post or stake or other mark placed under the provisions of these regulations,

the mining recorder may, in his discretion, order that such person be debarred from the right to obtain entry for, or a certificate of work in connection with any mineral claim for any length of time the mining recorder deems advisable. A copy of any order made under this subsection shall be mailed forthwith by the mining recorder, by registered letter, to that person.

(5) An appeal from any action taken, or order made by the mining recorder, under the provisions of this section or of the preceding section, shall lie to a Stipendiary Magistrate and shall be made within the time and in the manner provided by section 69 of these regulations.

(6) The mining recorder shall on the expiration of one month from the date of his order cancelling a claim, if no appeal is taken, or on the expiration of one month from the date of the judgment of the Stipendiary Magistrate in cases where the cancellation of the mineral claim is upheld or within one month from the date of the filing with the Stipendiary Magistrate of a notice signed by the appellant, or his solicitor, withdrawing or discontinuing an appeal, post up in his office a notice of cancellation and the land or mining rights comprised within such mineral claim shall upon the day following the posting of such notice, but not before, be open for prospecting and staking out.

56. When any mineral claim is lapsed, forfeited or cancelled, the recorded owner of that mineral claim may, with the consent of the mining recorder and under such conditions and within such time as the mining recorder may prescribe, remove any machinery and personal property which he may have placed on the mineral claim.

Disputes

57. In case of any dispute as to the location of a mineral claim, the title to the claim shall be recognized according to the priority of such location, subject to any question as to the validity of the record itself, and subject further, to the locator having complied with all the terms and conditions of these regulations.

Territorial Lands Act—continued

58. Upon any dispute as to the title to any mineral claim, no irregularity happening previous to the date of the record of the last certificate of work shall affect the title thereto, and it shall be assumed that up to that date the title of such claim was perfect, except when fraud is proved.

59. Whenever, through the acts or default of any person other than the recorded owner of a mineral claim, or his agent by him duly authorized, the evidence of the location of record on the ground, or the situation of a mineral claim has been destroyed, lost or effaced, or is difficult of ascertainment, nevertheless effect shall be given to same as far as possible, and the Director shall have power to make all necessary inquiries, directions, and references in the premises, for the purpose of carrying out the object hereof, and vesting title in the first *bona fide* acquirer of the claim.

60. (1) No person shall suffer from any omission, delay or improper act on the part of any government official.

(2) The Minister may make such order as he may deem necessary to remedy any injury caused by any such omission, delay or improper act.

Requirements for certificate of improvements

61. Subject to the provisions of the next succeeding section whenever the recorded owner of a mineral claim shall have complied with the following requirements to the satisfaction of the mining recorder, he shall be entitled to receive from the mining recorder a certificate of improvements in the Form "F", in respect of such claim, unless proceedings have been taken by the person claiming an adverse right under section 69 of these regulations:

- (a) done or caused to be done work on the claim itself in developing a mine to the value of five hundred dollars, as defined in subsection (1) of section 51, exclusive of the cost of all houses, roads, or other like improvements, and exclusive also of the cost of work performed in geological investigation, aerial reconnaissance, or other like preliminary operation which may have been accepted under the provisions of subsection (3) of section 51 of these regulations; the amount of work done and its compliance with the requirements of the said section 51 shall be assessed by the mining recorder. In the case of a fractional claim, however, the work to be done shall be that specified in section 53; for the purposes of this section, work done on a claim by a predecessor or predecessors in valid title shall be deemed to have been done by the person who received transfer of such claim; if an applicant for a certificate of improvement is the recorded owner of a group of adjoining claims not exceeding thirty-six in number, upon one or more of which a greater expenditure than that above prescribed has been incurred and proved, such excess expenditure may be applied for the issue of a certificate of improvements to these claims included in the group upon which a less expenditure may have been incurred, provided that the total expenditure so incurred and proved shall be equal to or greater than the expenditure required to be incurred in connection with each claim included in such group;
- (b) found valuable mineral within the limits of such claim, to the satisfaction of the mining recorder;

Territorial Lands Act—continued

- (c) had the claim surveyed at his own expense in accordance with instruction from the Surveyor General by an authorized Dominion Land Surveyor and had the survey thereof duly approved by the Surveyor General;
- (d) shall have posted in the nearest post office, and in the mining recorder's office, a legible notice in the Form "G" of the schedule of these regulations of his intention to apply for a certificate of improvements;
- (e) published a copy of such notice in the Form "G" in a newspaper approved by the mining recorder and circulated in the district in which the claim is situated for at least sixty days prior to such application, which publication can be made at any time after the posting of the notice;
- (f) filed with the mining recorder an affidavit, in duplicate, in the Form "H" of the schedule in these regulations.

62. (1) A certificate of improvements shall not be issued until a report has been furnished by a person satisfactory to the Director to the effect that upon investigation, he is satisfied that the required work in developing a mine has been actually completed, and that mineral has been found within the limits of the claim.

(2) After the recorded owner of a mineral claim has complied with the requirements of the preceding section delay in having an investigation made or delay in having the survey approved, not attributable to the recorded owner shall not render it necessary for such owner to perform further representation work in connection with the claim affected because of such delay.

(3) If the recorded owner of the claim has proved the performance of work thereon to the value of five hundred dollars as required by the provisions of these regulations, but has not complied with all the requirements necessary to admit of application for a certificate of improvements being made, such recorded owner shall continue to do or cause to be done, work on the claim each year to the value of at least one hundred dollars, unless evidence of sufficient excess expenditure has been submitted and accepted, otherwise, the claim shall lapse.

63. (1) When the recorded owner of the claim shall have complied with the requirements of these regulations for obtaining a certificate of improvements and no action shall have been commenced and notice thereof filed with the mining recorder, a certificate of improvements shall be issued and forwarded by the mining recorder to the recorded owner or his agent.

(2) The mining recorder shall forward to the Department a copy of such certificate of improvements, a copy of the affidavit filed in the Form "H" and his certificate in the Form "I" of the schedule to these regulations, together with particulars of the full christian name and surname of the recorded owner, or each of the recorded owners, their occupations and respective interests.

64. The Director in his discretion may, by order waive publication in a newspaper of any notice in the Form "G" or the Form "J" set out in the schedule to these regulations.

Territorial Lands Act—continued

65. A certificate of improvements when issued as aforesaid shall be final and conclusive, unless such certificate was procured by fraud.

66. After the issue and recording of such certificate of improvements, and while such certificate shall be in force but a lease not yet issued, it shall not be necessary to do any work on such claim.

67. The recorded owner of a mineral claim for which a certificate of improvements has been granted and recorded, shall be entitled to a lease of such claim upon payment being made within three months of the rental and fee prescribed by section 96 of these regulations.

Relief from forfeiture

68. Where forfeiture or loss of rights has occurred,

- (a) by reason of failure to obtain a renewal of licence as provided in subsection (5) of section 14 of these regulations;
- (b) by reason of failure to submit evidence that the prescribed work has been performed, as provided in subsection (4) of section 51; or
- (c) by reason of failure to make application for a lease within the period prescribed in section 67;

the Director may, within three months after such default has occurred upon such terms as he may deem just, make an order relieving the person in default from such forfeiture or loss of rights, and upon compliance with the terms, if any, so imposed, the interest or rights forfeited or lost, shall be revested in the person so relieved, but if the default is that referred to in clause (a) of this section, a special renewal licence may be issued by the Director, the mining recorder, or sub-recorder, which shall be so marked, and which shall be issued only upon payment being made of twice the prescribed licence fee, and if the default is that referred to in clause (b) of this section, the person in default shall file the prescribed evidence forthwith, and shall make payment of a special fee of ten dollars.

Hearing and Decision of Disputes

69. (1) The mining recorder shall have power to hear and determine all disputes arising within his district in regard to mining property, previous to the issue of a lease of the claim, subject to appeal by either of the parties, in the manner hereinafter provided in this regulation.

(2) No particular forms of procedure shall be necessary, but the matter complained of must be properly expressed in writing, and a copy of the complaint shall be served on the opposite party not less than seven days before the hearing of the said complaint, or such other time as the mining recorder may deem necessary. The mining recorder may require a party to any such dispute to file affidavit verifying the facts upon which he relies.

(3) The complaint may, by leave of the mining recorder, be amended at any time before or during the proceedings.

(4) The complainant shall, at the time of filing his complaint, deposit therewith a cash bond of such amount as the mining recorder may consider advisable in the circumstances, which shall be returned to him if the complaint proves to have been well founded, but not otherwise, except for special cause, by direction of the Director.

Territorial Lands Act—continued

(5) A mining recorder may summon before him any person by subpoena issued by him, examine such person under oath and compel the production of papers and writings before him.

(6) If the mining recorder decides that it is necessary to a proper decision of the matter in issue to have an investigation on the ground, or, in cases of disputed boundaries or measurements, to employ a Dominion Land Surveyor to measure or survey the land in question, the expense of the inspection or measurement or survey, as the case may be, shall be borne by the litigants, who shall pay into the hands of the mining recorder, in equal parts, such sums as he may think sufficient for the same before it takes place; otherwise it shall not proceed, and the party who refuses to pay such sum shall be adjudged in default; the said mining recorder shall subsequently decide in what proportion the said expense shall be borne by the parties, respectively, and the surplusage, if any, shall then be returned to the parties, as he may order.

(7) All cash bonds adjudged as forfeited and all payments retained under the last preceding section shall, as soon as a decision has been rendered, and all entry and other fees or moneys shall, as soon as they have been received by him, be paid by the said mining recorder to the credit of the Receiver General in the same manner as other moneys received by him on account of Territorial lands.

(8) If an adverse claim affect only a portion of the ground for which application is made for a certificate of improvements, the applicant may relinquish the portion covered by the adverse claim and still be entitled to a certificate of improvements for the undisputed remainder of his claim, upon complying with the requirements of these regulations; the mining recorder shall enter in the "record book" any judgment which may be rendered in such case, and if by any judgment the original boundaries of any claim shall be changed, a plan made by a Dominion Land Surveyor and signed by the mining recorder if the judgment was rendered by him, or by the Stipendiary Magistrate by whom the judgment may have been given, shall be filed with the mining recorder, who shall forward it to the Department.

(9) An appeal shall lie from the decision of the mining recorder to a Stipendiary Magistrate, whose decision shall be final and binding on the parties.

(10) Notice of any such appeal shall be given within fifteen days from the day upon which the decision appealed from is pronounced or given, or within such further time as the mining recorder may allow, and after service upon the opposite party shall be filed with the mining recorder.

(11) At the time of filing notice of appeal the appellant shall deposit with the mining recorder such sum of money or security therefor, as security for costs of the appeal, as the mining recorder may consider necessary.

(12) Upon receipt of a notice of appeal and deposit, if any, as security for costs, the mining recorder shall forthwith transfer the complaint, evidence and other proceedings to a Stipendiary Magistrate, other than the mining recorder who heard the complaint, if he should be a Stipendiary Magistrate.

Territorial Lands Act—continued

(13) The Stipendiary Magistrate who is to hear appeal shall fix the time of hearing at as early a date as may be conveniently arranged.

Address for Service

70. Every application for a mineral claim and every other application, and every transfer or assignment of a mineral claim, or of an interest therein, acquired under the provisions of these regulations, shall contain, or shall have endorsed thereon, the full and proper name, the place of residence and the post office address of the applicant, transferee, or assignee, and his occupation, and no application, transfer or assignment shall be accepted or recorded unless it conforms with this provision.

What Entry or Lease Conveys

71. (1) The recorded owner of a mineral claim, by entry or by lease, located on vacant Territorial lands, shall be entitled to all mineral within the meaning of these regulations, and whether such mineral is found separately or in combination in, upon, or under the lands included in such entry or lease, together with the right to enter upon and use and occupy the surface of the claim, or such portion thereof and to such extent as the minister may consider necessary for the efficient and miner-like operation of the mines and minerals contained in the claim, but for no other purpose, including the right to cut, free of dues, such of the timber on the claim or such portion thereof as may be necessary for the working of the same, but not for sale or traffic, except where such timber has been granted or disposed of prior to the date of entry; the timber agent, however, may permit any person to cut and remove from the claim timber for his own use for mining purposes, when such timber cannot otherwise be had within a reasonable distance, but no such permit shall convey the right to cut or remove timber required by the recorded owner of the claim for his mining operations actually in progress.

(2) When any timber is cut upon a mineral claim, whether by the recorded owner thereof or by any other authorized person, the branches and debris arising from such cutting or clearing operations shall be disposed of in accordance with the instructions and to the satisfaction of the authorized officers of the Department.

(3) The Minister may, upon application, grant to the recorded owner of a mineral claim in good standing, located on vacant Territorial lands, acquired by entry or by lease, a lease of the whole or any portion of the available surface rights of such mineral claim at a rental of one dollar an acre per annum, payable yearly in advance; the term of such surface lease shall not exceed the term of the grant issued for the minerals, and shall be appurtenant to such grant, and the said lease shall be subject to such terms and conditions as may be prescribed by the Minister, under these regulations; the lessee shall not assign, transfer, or sub-let the rights described in such surface lease, or any portion thereof, or any interest therein, without the consent in writing of the Minister being first had and obtained.

72. A lease of a mineral claim located on lands the surface rights of which have been disposed of, but the right whereon to enter, prospect, and mine for mineral has been reserved to the Crown, shall convey to the lessee the mineral within the meaning of these regulations, and whether such mineral is found separately or in combination, which may be in, upon or under the land described in the lease but shall convey no right of entry upon such surface.

Territorial Lands Act—continued

73. Where the mineral claim is located on land lawfully occupied under a timber licence, the lease shall convey the mineral within the meaning of these regulations, subject to the provisions of section 17 of these regulations, but shall reserve the timber.

74. A lease of a mineral claim located on lands the surface rights of which have been disposed of, but the right whereon to enter and mine gold and silver has been reserved to the Crown, shall convey to the lessee the right to the gold and silver which may be in, upon, or under the land described in the lease, but shall convey no right of entry upon the surface, except as provided in section 103.

75. A lease of a mineral claim issued under the provisions of these regulations shall reserve to the Crown such right or rights of way and of entry as may be required under any regulations in that behalf now or hereafter in force in connection with the construction, maintenance, and use of works for the conveyance of water for mining operations.

Surveys

76. The recorded owner of a mineral claim shall have a survey thereof made at his own expense by a duly qualified Dominion Land Surveyor under instructions from the Surveyor General, within one year from the date upon which notification by the mining recorder to do so may be sent to him; such notification, however, shall not be given until the expiration of at least one year from the date upon which the claim was recorded; if the survey is not made, and if the returns of such survey are not received and approved by the Surveyor General, within one year from the date of notification, the entry granted for the mineral claim shall be subject to immediate cancellation in the discretion of the Director; the recorded owner of a claim, may, however, have such survey made at any time.

77. (1) A survey of a mineral claim made in accordance with the provisions of these regulations shall be accepted as establishing the boundaries of the claim, provided,

(a) that the recorded owner of the claim causes to be posted in the nearest post office and in the office of the mining recorder for the district:

(i) a copy of the plan of survey of the said claim with a notice in the Form G-1 in the schedule of these regulations endorsed thereon by the Surveyor General; and

(ii) a notice of such survey in the Form "J" in the said schedule;

(b) that a notice of such survey in the said Form "J" is published following the posting of the plan, for a period of not less than sixty days in a newspaper approved by the mining recorder and circulating in the mining district in which the claim is situated.

(2) If the survey remains unprotested during the period of publication, the Surveyor General, upon receipt of advice from the Director that all other requirements of the regulations have been complied with, shall approve the survey and the survey so approved shall be accepted as defining the boundaries of the claim so surveyed.

(3) If, however, the survey is protested during the period of publication the protest shall be heard and determined in the manner provided in section 69 of these regulations.

Territorial Lands Act—continued

78. The surveyor shall define and mark accurately the boundaries of such claim on the ground, in full compliance with the instructions issued to him, and as soon as reasonably possible after the completion of the survey, and not later than six months after such survey has been made on that ground, he shall forward to the Surveyor General at Ottawa the original field notes and plan, signed and certified as accurate, under oath; after a certificate of improvement has been issued in respect of any claim so surveyed, *prima facie* evidence of its location upon the ground may be given by any person who has seen and who can describe the position of such posts, purporting to be marked as aforesaid.

79. (1) If it is found upon a survey required or authorized by these regulations, that the area of a mineral claim exceeds the prescribed acreage, the Director may reduce the area to the prescribed acreage, or thereabouts.

(2) The reduction may, where practicable, be made as follows: Keeping No. 1 post as the northeast corner, and taking the straight line joining No. 1 and No. 2 posts, or if that line exceeds 1,500 feet in length, the northly 1,500 feet of it, as the eastern boundary; keeping the southern and western boundaries respectively parallel to or coinciding with the straight lines joining No. 2 and No. 3 and No. 4 posts, but shortening each of these boundaries to 1,500 feet where it exceeds that length; and connecting the northwest corner so established with No. 1 post for the northern boundary; or the survey may be made in such other way as the Surveyor General shall direct.

(3) Where a survey shows a small fraction or gore of land to exist between mineral claims, the Minister may lease such available fraction or gore to the holder of one or other of the said claims, or may divide the same between them, or may otherwise dispose of the same as he may see fit, without requiring such gore or fraction to be staked out as a mineral claim.

(4) While the prescribed area of a mineral claim is 51.65 acres, the maximum area which may be included in any claim, without deduction, shall be 60 acres, and if the margin of error exceeds this allowance, the area in excess of 51.65 acres shall be withdrawn after survey and, upon withdrawal, shall in the discretion of the Director be disposed of subject to all provisions of these regulations in one of the three methods following, that is to say—

- (a) be included in the claim and subsequent lease as a supplementary area for which must be paid an additional sum by way of penalty of \$5.00 per acre or fraction thereof, provided such supplementary area does not exceed 51.65 acres; if the supplementary area is greater than 51.65 acres the Director may in his discretion increase the penalty charge on the entire supplementary area from \$5.00 per acre to any sum not exceeding \$10.00 per acre; these penalty charges shall be in addition to the penalty charge provided for in section 96 of the regulations;
- (b) be granted under the regulations to the highest bidder at public auction;
- (c) revert to disposal under these regulations as vacant and available Territorial lands.

80. A Dominion Land Surveyor when surveying a fractional mineral claim, may survey such claim so that it shall contain as nearly as possible

Territorial Lands Act—continued

all the unoccupied ground lying between the previously located mineral claims as described in the affidavit and sketch furnished by the locator when the claim was recorded, provided that the area of the claim as surveyed shall be less than 51.65 acres.

81. The surveyor shall, in the discretion of the Surveyor General, connect the survey of the claim with some known point in a previous survey, or with some other known point or boundary, so that the position of the claim may be definitely fixed on the plans of the Department.

82. It shall be the duty of the surveyor, before proceeding with the survey, to examine the application made for the claim and the plan which accompanied such application, and before completing the survey, to ascertain by careful examination of the ground, or by all other reasonable means in his power, whether or not any other subsisting claim conflicts with the claim he is surveying, and he shall furnish with his returns of survey a certificate, duly signed by him, in the following form:—

I hereby certify that I have carefully examined the ground included inmineral claim surveyed by me, and have otherwise made all reasonable investigations in my power to ascertain if there was any other subsisting claim conflicting therewith, and I certify that I have found no trace or indication and have no knowledge or information of any such claim, except as follows (if none, so state; if any, give particulars).

83. Should the survey of a claim be made and advertised in the manner specified herein before the recorded owner of the claim has sufficiently complied with the regulations to admit of his applying for a certificate of improvements, then the posting and publication of notice of the survey of the claim in the manner indicated shall be accepted as satisfaction of the posting and advertising requirements of section 61 of these regulations, but before a certificate of improvements shall be issued in connection with such a claim, all the other requirements of section 61 shall be fully complied with.

84. If, in the event of the destruction by forest fire of the stakes marking the location of claims in any district, which claims have not been completely surveyed, it becomes necessary, in the opinion of the Director, that a joint survey of a number of claims should be made in order to delimit them one from another, the recorded owners in the area shall be notified, and if they cannot agree within one year as to the appointment of a surveyor, the Director shall appoint a surveyor, and payment for such joint survey at the usual rates shall be made by the recorded owners of the claims affected, in such proportion as may be fixed by the Surveyor General, or, in default such payment shall be and shall remain, until paid with interest, a charge against each such claim, and the recorded owner or owners thereof shall not be entitled to receive a certificate of work, a certificate of improvements, or a lease for any claim affected by the joint survey in connection with which payment of the share fixed has not been made, and in each such case the claim shall be deemed to have lapsed.

TRANSFER OF A MINERAL CLAIM

85. No transfer of an entry for any mineral claim, or of any interest therein shall be effectual unless the same is in writing, signed by the transferor, or by his agent authorized in writing, and recorded by the

Territorial Lands Act—continued

mining recorder; and, if signed by an agent, the authority of such agent shall be recorded before the record of such transfer; the assignment shall be in duplicate, signed and sealed by the assignor in the presence of a witness, who shall furnish proof of execution by affidavit, and when recorded the mining recorder shall return to the assignee one copy thereof, with a certificate endorsed thereon that it has been recorded in his office, and retain the other copy.

86. If the record of entry (form "B") has been lost or destroyed, the mining recorder may, upon receipt of evidence to his satisfaction, supported by the affidavit of the recorded owner or owners, or one of them, if possible, that such is the case, and upon receipt of a fee of ten dollars, issue a "substitutional" record of entry which shall be so marked, and which shall be as far as practicable a copy of the record of entry (form "B") originally issued for such claim.

87. Any conveyance, bill of sale, mortgage, or other document of title relating to a mineral claim for which entry has been granted under the provisions of these regulations, may be recorded with the mining recorder. Failure so to record any such document shall not invalidate the same as between the parties thereto, but such documents as to third parties shall take effect from the date of record and not from the date of the document.

88. After a lease of a mineral claim has been issued, an assignment of the whole or an undivided interest in such claim shall be filed with the Department, accompanied by a fee of three dollars, and by the lessee's copy of the lease, but the Department shall not be required to accept and register such assignment unless it is unconditional and its execution has been proved to the satisfaction of the Minister, and unless the regulations in respect of such claim have been fully complied with.

89. After a lease of the mineral claim has been issued a conditional assignment or option may be filed with the Department accompanied by a fee of three dollars and by the lessee's copy of the lease and may be recorded in the Department with the consent of the Minister.

90. If the recorded owner of a mineral claim, after applying for a certificate of improvements, shall sell and transfer such claim, upon satisfactory proof of such sale and transfer being made to the mining recorder, the new recorded owner of the claim shall be entitled to a certificate of improvements in his own name.

91. If a transfer shall be made to any person or company after a certificate of improvements shall have been issued, but before a lease has been prepared, upon proper proof of such transfer being made, to the satisfaction of the Director, and upon receipt of a new certificate in the form "I" of these regulations, the lease may issue to the new holder of the claim.

92. No lease of a mineral claim shall issue until all liens which may have been attached to such claim have been fully released.

Mining Partnerships

93. All rights, liabilities and conditions pertaining to mining partnerships, heretofore formed under these regulations shall remain in full force and virtue until the termination of the partnership.

Territorial Lands Act—continued

Royalty

94. (1) There shall be paid to the Crown on every mine acquired under the provisions of these regulations an annual royalty on any profits of such mine which exceed the sum of ten thousand dollars during any calendar year, and the owner, manager, holder, tenant, lessee, occupier, or operator of the mine, shall be liable for and shall pay to the Crown an annual royalty as follows:

- (a) Upon annual profits in excess of \$10,000 and up to \$1,000,000 3 per centum
- (b) On the excess above \$1,000,000 up to \$5,000,000 5 per centum
- (c) On the excess above \$5,000,000 to \$10,000,000 6 per centum
- (d) On the excess above \$10,000,000 a proportional increase of one per cent for each additional \$5,000,000

(2) For the purposes of this section, all mines and mineral workings in the territories to which these regulations apply, occupied, worked, or operated by the same person, or under the same general management or control or the profits of which accrue to the same person, shall, for the purpose of determining whether there is liability for royalty hereunder, be deemed to be and be dealt with as one and the same mine, and not as separate mines.

(3) The royalty imposed by this section shall be deemed to accrue on the 1st day of January of the year in which the same is payable, and shall become payable on the 1st day of October following, in each year, and shall be paid to the mining recorder or other officer named by the Director.

(4) The annual profits shall be ascertained and fixed in the following manner:

The gross receipts from the year's output of the mine, or in case the ore, mineral, or mineral-bearing substance, or any part thereof, is not sold but is treated by or for the owner, tenant, holder, lessee, occupier, or operator of the mine, upon the premises or elsewhere, then the actual market value of the output at the pit's mouth, or if there is no means of ascertaining the market value, or if there is no established market price or value, the value of the same as appraised by the mining recorder shall be ascertained, and from the amount so ascertained, the following and no other expenses, payment, allowances or deductions shall be deducted and made, that is to say:

- (a) the actual cost of transportation of any output sold, if paid or borne by the owner, tenant, holder, lessee, occupier, or operator;
- (b) the actual and proper working expenses of the mine, both under ground and above ground, including salaries and wages of necessary superintendents, foremen, workmen, firemen, enginemen, labourers, and employees of all sorts employed at or about the mine, together with the actual and proper salaries and office expenses for necessary office work done at the mine and in immediate connection with the operation thereof;
- (c) the cost of supplying power and light, and of the hire of horses or other means of transportation used in the mining operation, or in handling the ore or mineral;

Territorial Lands Act—continued

- (d) the actual cost price of food and provisions for all employees aforesaid, whose salaries or wages are made less by reason of being furnished therewith; also the actual cost of fodder for horses used as above mentioned;
- (e) the actual cost of explosives, fuel, and any other supplies necessarily used in the mining operations;
- (f) any actual and proper outlay incurred in safeguarding and protecting the mine or mineral product;
- (g) the cost of proper insurance upon the output, if paid or borne by the owner, tenant, holder, lessee, occupier, or operator, and upon the mining plant, machinery, equipment and building used for or in connection with mining operations or for storing the ore or mineral;
- (h) an allowance of a sum for annual depreciation, by ordinary wear and tear of the said plant, machinery, equipment and buildings, such sum to be based upon the probable annual average cost of repairs and renewals necessary to maintain the same in a condition of efficiency, and in no case to exceed for any year fifteen per centum of the value at the commencement of such year, such value to be appraised by the mining recorder;
- (i) the cost of actual work done in sinking new shafts, making new openings, workings, or excavations of any kind, or of stripping, trenching, or diamond drilling in or upon the land upon which the mine is situated, or upon any other land belonging to the same lessee, owner, holder, tenant, occupier, or operator in the said territories, or the cost of any work which, in the opinion of the Director, has for its objects the opening of mines, or testing for ore or minerals;
- (j) all taxes payable or paid upon the profits of the mine or upon the profits of the mine or mining work, or upon the profits made in smelting, refining, or otherwise treating any of the products of the mine or mineral work.

(5) No allowance or deduction shall in any case be made for the cost of plant, machinery, equipment or buildings, nor for capital invested, nor for interest or dividend upon capital, or stock, or investment, nor for depreciation in the value of the mine, mining land, or mining property, by reason of exhaustion or partial exhaustion of the ore or mineral.

(6) For the purpose of this section, unless a contrary intention appears, the operations, business, matters and things carried on, occurring or existing during the preceding calendar year, shall be taken as fixing, assessing, and ascertaining the royalty payable thereunder, but the royalty payable shall nevertheless be deemed to be a royalty for the calendar year in which it is payable.

(7) The owner, lessee, tenant, holder, occupier, manager, or operator of every mine from which ore, minerals or mineral-bearing substances is or are being taken, shall, within ten days after the commencement of such active operations, notify the mining recorder of the fact that such mine is in active operation, and shall give in such notice the name of the mine and the name and address of the owner, lessee, tenant, holder, occupier, manager, or operator of such mine, and the name and address of the manager or of some other person to whom notice may be sent (to be known as the name and address for service), and shall forthwith notify the mining recorder of every change in the name and address of such manager or

Territorial Lands Act—continued

person, and of every change in the ownership, holding, tenancy, management, occupation or operation of such mine, and of every discontinuancy of active operations, and of every resumption thereof after discontinuance.

(8) On or before the first day of April in each year, every person liable to pay the royalty imposed by this section shall, without any notice or demand to that effect, in addition to any other statements which may otherwise be required, deliver to the mining recorder a detailed statement in which shall be set forth:

- (a) the name and description of the mine;
- (b) the name and address of the person or persons owning or operating the mine as lessee, agent, occupant, or otherwise;
- (c) the quantity of ore, minerals and mineral-bearing substances shipped or sent from or treated on the mining premises during the year ending on the 31st of December last preceding;
- (d) the name or names of the smelter or mill, and the locality to which the ore, minerals or mineral-bearing substances, or any part thereof, were sent;
- (e) the cost per ton for transportation to the smelter, refinery or mill, and the actual, proper and necessary expenses of making the sale, if any, and by whom paid or borne;
- (f) the cost per ton for smelter and mill charges, and by whom paid or borne;
- (g) the quantity of ore, minerals, and mineral-bearing substances treated on the mining premises during the said year;
- (h) the value of the ore, minerals and mineral-bearing substances shipped, after deducting the charges for making sales and for transportation or for treatment;
- (i) the value of the ore, minerals and mineral-bearing substances treated on the mining premises;

such statement and information shall be made and furnished by and under the oath of the owner, manager, holder, lessee, tenant, occupier or operator of the mine, and shall also show in other columns the various expenses, payments, allowances, and deductions which may properly be made under the provisions of this section, and such statement shall also show by way of summary the total receipts or marked value at the mine of the year's output, and the total amount of the expenses, payments, allowances, and deductions to be deducted therefrom, and the balance of profits for the year as in this section provided; in addition to the above-mentioned statement, the Director may at any time of the year, require from any other person connected with the operations or management of the mine or mill, a statement, under affidavit, containing such information or particulars as the said Director may think proper to exact; the Director may enlarge the time for making such return or statement.

(9) Every person liable to pay the royalty imposed by this section shall keep at or near the mine proper books of account of the ore, minerals or mineral-bearing substances taken from the said mine, containing the quantity, weight, and other particulars of the same, and the value thereof, and showing the returns from the smelter, mill or refining works, or other returns of the amounts derived from the sale of such ores, minerals, or mineral-bearing substances; and no ore, mineral or mineral-bearing substances taken out of any mine shall be removed therefrom or treated at any smelter, mill or refinery works, until the weight thereof shall have

Territorial Lands Act—continued

been correctly ascertained and entered in the said books of account; and each person shall also keep proper books showing each of the several expenses, payments, allowances, or deductions mentioned in this section, and showing any other facts and circumstances necessary or proper for ascertaining the amount of the royalty payable hereunder; if any doubt arises as to where such book or books shall be kept, or as to how many or what books shall be maintained, the Director shall determine the number and character of the books to be kept, and the place or places at which they shall be kept.

(10) It shall be at all times lawful for the mining recorder or any person designated by him to enter upon mining property for the purpose of making an inspection and obtaining information as to the amount and value of the output of the mine, and for this purpose such officer may descend all pits and shafts and use all such tackle, machinery, and appliances belonging to the mine as he may deem necessary or expedient, and he shall have free ingress and egress to, from and over all buildings, erections, and vessels used in connection with the mine, and he shall be allowed to take from the said mining property such samples or specimens as he may desire, for the purpose of determining by assay or otherwise the value of the ore, minerals or mineral-bearing substances being taken therefrom, or any product thereof, and he shall have full and complete access to all books of account, correspondence, and documents maintained or used for or in connection with the actual operations and business of such mine, and may examine the same and take copies thereof or extracts therefrom, but any information of a private or confidential nature acquired by such officer shall not be disclosed to anyone, except so far as may be necessary for the purpose of this section.

(11) It shall be the duty of the mining recorder or such other person as may be directed by the Director, to keep a record of all arrears of royalty due, based upon returns to be furnished him by the Department, with the increased amounts from time to time entered therein.

(12) All royalties, percentages, penalties and costs, respectively, payable under this section shall be a special lien on the mine, mining property, mineral claim, or mining rights, and upon all ore, minerals, or mineral-bearing substances taken therefrom, and upon all machinery upon or connected with the mine in priority of every claim, privilege, lien or encumbrance of any person whether the right or title of such person has accrued before, or shall accrue after the attaching of such lien, and its priority shall not be lost or impaired by any neglect, omission, or error of any official, officer or person, or by want of registration, and the same may be realized by action for sale of any or all property, leases and rights, subject to such lien.

(13) If the royalty imposed by this section is not paid when due, the same, together with interest, may be recovered from the owner, tenant, holder, lessee, occupier, or operator of the mine, by an action at the suit of the Minister in any court of competent jurisdiction together with the costs of the action.

(14) In addition to any other remedies for the recovery of the royalty imposed by this section, an injunction or order in the nature of injunction, or the appointment of a receiver with all necessary powers, or such other relief or remedy as may seem necessary or expedient for securing payment of the royalty, may, in any case where the royalty is overdue, or where

Territorial Lands Act—*continued*

the payment of the royalty seems endangered be obtained in a court having jurisdiction in such matters at the instance and in the name of the Minister to prevent the removal, transportation or transmission of any ore, mineral or mineral-bearing substance, or to prevent or restrict mining operations, or to provide for such operations or production upon such terms and conditions as may seem proper.

(15) Any action which may be brought under the provisions of this regulation may be brought by the Minister as plaintiff, and it shall not be necessary to name the Minister, and the action shall not abate by reason of a change in the name of such Minister, or by reason of the office being vacant at any time, but the action may proceed as though no change had been made or no vacancy existed.

(16) In every grant and lease issued under the provisions of these regulations shall be implied a condition or stipulation to the effect that upon default of payment of any royalties imposed by these regulations the same together with interest and costs may be levied and collected by distress, together with the costs of distress upon the goods and chattels wherever found of the person or persons liable therefor, under warrant signed by the Director or the mining recorder directed to the sheriff, and that the sheriff may realize the amount directed to be realized by the warrant and all costs by a sale of such goods or so much thereof as may be necessary to satisfy the amount to be levied by such warrant.

Term of lease and rental

95. The lease shall be for a term of twenty-one years, renewable for a further term of twenty-one years, provided the lessee furnishes evidence to the satisfaction of the Director that during the term of the lease he has complied in every respect with the conditions of such lease and with the provisions of these regulations, and subject to renewal for additional periods of twenty-one years on such terms and conditions as may be prescribed by the Governor in Council.

96. The rental of a whole or fractional mineral claim, granted under a lease, shall be fifty dollars, provided the claim does not exceed the maximum area of 51.65 acres; for each acre in excess of the said maximum area which the claim may, upon survey, be shown to contain, and which may be included in the lease, payment shall be made of rental at the rate of five dollars an acre; the rental shall be payable in advance within three months after the date upon which a certificate of improvements in connection with the claim may be issued, and no further rental shall be due or payable in connection with such claim until the termination of the above period of twenty-one years; for the renewal of a lease, the lessee shall pay in advance the sum of two hundred dollars, to cover the rental for a further period of twenty-one years, and for excess area at the rate of twenty dollars an acre; for the rental of a claim containing an area of 160 acres, acquired under the provisions of section 21 of these regulations, the rental shall be one hundred and fifty dollars for the first period of twenty-one years, and a rental of six hundred dollars for a renewal period of like duration; if the claim contains more than 160 acres, payment for the excess area shall be at the rate of twenty dollars an acre for the second period; the fee for the issue of a lease of a mineral claim shall be ten dollars.

Territorial Lands Act—continued

97. In case payment of the rental and fee for the first term of twenty-one years is not made within the prescribed period of three months from the date of the certificate of improvements, or in case payment is not made of the rental for the renewal term within three months from the date upon which it becomes due, then all right to the claim or to a lease thereof, or to a renewal of such lease, shall absolutely lapse without any declaration of cancellation or forfeiture on the part of the Crown, and such rights shall immediately be and become revested in the Crown subject to the provisions of these regulations regarding relief from forfeiture.

98. The lessee shall not assign, transfer, or sublet the rights described in his lease, or any interest therein, without the consent in writing of the Minister being first had and obtained.

99. The lease shall be in such form as may be determined by the Minister, in accordance with the provisions of these regulations.

Mine Plans

100. Any recorded owner of an adjoining mineral claim may apply to the mining recorder for the purpose of ascertaining whether any mine is being worked into his claim, and upon such application being made the mining recorder may examine and make report thereon to the recorded owner of the adjoining mineral claim as to whether his claim is or is not being encroached upon.

101. All grants and leases issued under the provisions of these regulations are subject to the provision that all ores or minerals mined from locations described in such grants or leases shall be treated and refined within Canada so as to yield refined metal or other product, suitable for direct use in the arts without further treatment; in default whereof the grant or lease issued for such lands shall be and become null and void, and the said lands shall forthwith revert to and become revested in the Crown freed and discharged of any interest or claim of any person or persons whomsoever and shall be open to disposal in such manner as the Director may decide; iron ores produced in excess of smelter requirements from locations situated on any of the islands of Hudson Bay in the Northwest Territories may, however, be exported for treatment.

Arbitration

102. In case the surface of a mineral claim, or any portion of it, is covered by a timber licence, or by a petroleum, grazing, or coal mining lease, or any other form of terminable grant, the lease issued under the provisions of these regulations shall not authorize entry upon the land so covered without the permission of the Director being first had and obtained, and such permission shall be given subject to such conditions for the protection of the rights of such lessee or licensee as it may be considered necessary to impose.

103. In case the surface rights of a mineral claim have been patented or have been disposed of by the Crown under any act or regulation which contemplates the earning of patent for such surface rights, and the recorded owner of the mineral claim cannot make an arrangement with the owner of such surface rights, or with his agent, or the occupant thereof for entry upon the location or for the acquisition of such interest in the surface rights as may be necessary for the efficient and economical operation of the rights acquired under his grant or lease, he may (provided the mineral rights in the land affected with access thereto and the right to use and

Territorial Lands Act—continued

occupy such portion of the land as may be necessary for the effectual working of the minerals therein have been reserved to the Crown in the original grant of the surface rights) apply to the Director for permission to submit the matter in dispute to arbitration; upon receiving such permission in writing, it shall be lawful for the recorded owner to give notice to the owner of the surface rights or his agent, or the occupant to appoint an arbitrator, within a period of sixty days from the date of such notice, to act with another arbitrator named by the lessee, in order to determine:—

- (a) what portion of the surface rights the lessee may reasonably acquire for the efficient and economical operation of the rights and privileges granted him under his grant or lease;
- (b) the exact position thereof, and
- (c) the amount of compensation to which the owner or occupant of the surface rights shall be entitled.

104. The notice mentioned in this section shall be according to a form to be obtained upon application to the mining recorder, and shall, when practicable, be personally served on the owner of such land, or his agent, if known, or the occupant thereof, and after reasonable efforts have been made to effect personal service without success, then such notice shall be served by leaving it at or sending it by registered mail to the last known place of abode or address of the owner, agent or occupant, and by posting a copy of the same in the office of the mining recorder for the district in which the land in question is situate. Such notice shall be for a period of ten days if the owner or his agent resides in the district in which the land is situate, if out of the district, and if in the territory, twenty days, and if out of the territory, thirty days, before the expiration of the time limited in such notice; if the owner, or his agent, or the occupant of the land refuses or declines to appoint an arbitrator, or when, for any reason, no arbitrator is so appointed in the time limited therefor in the notice provided for by this section, the mining recorder shall forthwith, on being satisfied by affidavit that such notice has come to the knowledge of such owner, agent or occupant, or that such owner, agent or occupant wilfully evades the service of such notice or cannot be found, and that reasonable efforts have been made to effect such service, and that the notice was left at the last place of abode or known address of such owner, agent or occupant as above provided, appoint an arbitrator on his behalf.

105. In case two arbitrators cannot agree upon the award to be made, they may, within a period of ten days from the date of the appointment of the second arbitrator select a third arbitrator, and when two such arbitrators cannot agree upon a third arbitrator, the mining recorder shall forthwith select such third arbitrator.

106. All the arbitrators appointed under the authority of these regulations shall be sworn before a justice of the peace to the impartial discharge of the duties assigned to them, and after due consideration of the rights of the owner and the needs of the lessee, they shall decide as to the particular portion of the surface rights which the latter may reasonably acquire for the efficient and economic operation of the rights and privileges granted him under his lease, the area thereof, and the amount of compensation therefor to which the owner or occupant shall be entitled.

107. In making such valuation the arbitrators shall determine the value of the land irrespective of any enhancement thereof from the existence of minerals thereunder.

Territorial Lands Act—continued

108. The award of any two such arbitrators made in writing shall govern and shall be filed with the mining recorder for the district in which the land is situate within twenty days from the date of the appointment of the last arbitrator; upon the order of the Minister the award of the arbitrators shall immediately be carried into effect.

109. The arbitrators shall be entitled to be paid a per diem allowance of ten dollars, together with their necessary travelling and living expenses, while engaged in the arbitration, and the cost of such arbitration shall be in the discretion of the arbitrators.

Administration of the Estates of Deceased or Insane Miners

110. If the recorded owner of a claim for which a lease has not yet been issued, or if the recorded owner of an interest in such a claim dies or is adjudged to be insane, the provisions of these regulations as to forfeiture for non-performance of work or payment of fees shall not apply except as hereinafter provided, in the first case, either during his last illness or after his decease, and, in the second case, either after he has been so adjudged insane, or, if it appears that the neglect or omission on account or by reason of which such claim would otherwise have been deemed to be forfeited was attributable to this insanity, then during such period prior to his having been adjudged insane as he may have been shown to have been insane.

111. The Director may limit the period during which all or any interest in any mineral claim, the property of such deceased or insane person, shall be exempt from the provisions of the regulations which require annual performance of work and payment of fees, and may fix the date upon which the same shall again become subject to all the provisions of these regulations.

112. At the termination of the period fixed, the claim shall become subject to all the provisions of these regulations, and if such regulations are not complied with the title thereto shall be absolutely forfeited in the event of the estate of such deceased person being the sole owner of the claim, and the same shall forthwith be open for relocation without any declaration of cancellation or forfeiture on the part of the Crown; in the event, however, of such an estate being a co-owner, the interest of the estate shall thereupon *ipso facto* become vested in the other co-owners who have complied with the regulations in proportion to their respective interests.

113. The Director may, by order from time to time, extend the period of such exemption as the necessity of the case may, in his opinion, demand, provided that in the case of deceased persons, the period during which such exemption shall apply shall not extend beyond three years from the date of the death of the deceased.

114. If there is no other legal representative of the estate of any such deceased or insane persons, the Director may cause the public administrator, or such responsible officer as he may name, to take possession of such property and administer the same, subject to the provisions of any ordinance in force respecting the administration of the estates of deceased or insane persons.

Territorial Lands Act—continued

115. No exemption of the interest of a deceased or insane recorded owner in any claim shall apply to or exempt any co-owner's interest from the provisions of these regulations as to the annual performance of work and payment of fees, and the rights of such co-owners shall be entitled to protection provided they do or cause to be done the prescribed representation work and pay the prescribed fees necessary in connection with those interests not exempted from performance of work and payment of fees.

116. Where the estate of the deceased or insane person owns an interest in a claim, and the co-owners who are required to perform work and pay fees have, during the period of such exemption, failed to perform the work required to be done thereon, the interest of such co-owners may, upon such failure being proved to the satisfaction of the mining recorder, after notice of hearing has been served upon all persons interested in the manner prescribed by him be vested by order of the mining recorder in such estate.

117. Any person receiving from the public administrator or other legal representative of the estate of a deceased or insane person an assignment of a claim that has been exempted from the provisions of the regulations as to performance of work and payment of fees, because of the death or insanity of the owner thereof, shall record such assignment within two months from the date thereof, and after the assignment has been recorded the claim shall again become subject to all the provisions of these regulations; if the assignment is not so recorded, the provisions exempting such claim shall cease to apply and the claim shall, at the expiration of the said two months, become absolutely forfeited and shall be open to relocation and entry.

118. Any person receiving from the public administrator or other legal representative of the estate of a deceased or insane person, an assignment of an interest in a claim which has been exempted from the provisions of these regulations as to performance of work and payment of fees, because of the death or insanity of the owner thereof, and on which the other co-owner or co-owners are required to perform work and pay fees, shall, within two months from the date of such assignment, record the same and comply with the provisions of the regulations in respect of representation work from the day of the recording of such transfer; if the assignment is not so recorded and if the regulations are not otherwise complied with, the interest in question shall thereupon *ipso facto* become vested in the other co-owner or co-owners in proportion to their respective interests; if the co-owners who are required to perform work and pay fees have failed to do so, the interest of such co-owner or co-owners may, upon such failure being proved to the satisfaction of the mining recorder, after notice of hearing has been served upon all persons interested, become vested in the co-owner who has acquired the interest of the estate in such claim, and who may have complied with the provisions of these regulations.

Mill-Sites

119. The Minister may, in his discretion, grant to the lessee of a mineral claim a lease of a tract of available, unoccupied and unreserved Crown land, not known to contain mineral of commercial value, as a mill-site; lands available for waterpower purposes shall not be open to lease for this purpose except by authority of the Governor in Council.

Territorial Lands Act—continued

120. The mill-site shall be marked on the ground and surveyed in the same manner as a mineral claim; the term of the lease shall be concurrent with the lease of the mineral claim in connection with which the mill-site is applied for, and shall be appurtenant thereto, and shall be for such period as the Minister may decide, and the rental shall be at the rate of one dollar an acre per annum, payable yearly in advance from the date of the lease.

121. In case the mill-site is not utilized as such to the satisfaction of the Minister within three years from the date of the lease, such lease shall be subject to cancellation in the discretion of the Minister.

Tunnels and Adits

122. The holder of a mineral claim by entry or by lease may, in the discretion of the mining recorder, obtain permission to run an adit or tunnel for drainage or access to a mine through any occupied or unoccupied lands, whether mineral or otherwise, acquired under these regulations, upon security being first deposited or given to the mining recorder to his satisfaction for any damage that may be done thereby, and upon such other terms as he may consider advisable; the person obtaining such permission shall immediately record it in the office of the mining recorder against each claim affected thereby.

Water Rights

123. The recorded owner of a mineral claim or of any mill-site may obtain a grant to a water right of any unappropriated water for any mining or milling purposes, under the provisions of the regulations governing placer mining in the Northwest Territories, or under the provisions of the Dominion Water Power Act according to the purpose for which the water is to be used.

Miscellaneous

124. Except as provided in section 9 of these regulations no person shall throw or dump earth, clay, stones or other material upon any mineral claim of which he is not the recorded owner or cause or allow water to be pumped or baled from his own claim onto the claim of another without the consent of the recorded owner.

125. Nothing herein contained shall, save where such intention is expressly stated, be so construed as to affect prejudicially any mining rights and interests acquired prior to the passing of these regulations, and all mining rights and privileges heretofore and hereunder acquired shall, without the same being expressly stated, be deemed to be taken and held subject to the rights of Her Majesty, her heirs and successors, and to the public rights of way and water.

126. Affidavits and declarations made under the provisions of these regulations may be made before a mining recorder, a sub-recorder, an emergency recorder or any person duly authorized to administer an oath.

127. Any person designated by the Director shall have the right to enter into or upon and examine any mineral claim or mine within the meaning of these regulations. At any such examination the official conducting the same may institute such inquiry as he sees fit, and the recorded owner or his agent shall reply to any questions fully and to the best of his ability.

Territorial Lands Act—continued

128. (1) Nothing herein contained shall be construed to limit the right of the proper authorities to lay out from time to time public roads across, through, along, or under any ditch, mill-site, water right, or mineral claim.

(2) The Director may from time to time grant authority to lay out rights-of-way for electrical transmission lines across, through, along, over or under any mining property acquired under the provisions of these regulations, together with full right to enter upon such mining property, or such portion thereof as the Director may deem necessary for the construction, maintenance, and repair of such electrical transmission lines, subject to full compensation being made to the owner of the mining property for any damage or loss which he may sustain by reason of such entry, such compensation in case of dispute to be determined by a Stipendiary Magistrate of the Northwest Territories.

129. Nothing herein contained shall affect any litigation pending at the time these regulations may become effective; any person, however, who may have staked out a mineral claim or claims as nearly in accordance with the provisions of any former regulations as circumstances would admit, and who may have submitted application for entry of such claim or claims within the prescribed delay, but who may not yet have received such entry, may be granted entry for such claim or claims under the provisions of these regulations, if it can be shown to the satisfaction of the mining recorder for the district that a *bona fide* attempt was made to comply with the regulations at the time in force, and that the non-observance of any of the prescribed formalities was not of a character calculated to mislead others, and subject also to compliance within a reasonable period with such of the additional requirements of these regulations as the mining recorder for the district may consider necessary.

130. Every licensee who stakes out and records a mineral claim on his own licence shall be given by the mining recorder two free assay coupons upon the recording of the claim and two additional free assay coupons upon the recording of each year's representation work in connection with the claim thereafter; provided such licensee shall forward to the Director, with charges prepaid, samples from the mineral claim together with the required number of coupons obtained in the manner set forth herein, he shall be entitled to have such samples assayed without charge, to the following extent: For one coupon, one assay for any ONE of the metals, gold, silver, copper, lead or iron; for two coupons, one assay for any ONE of the metals, nickel, zinc, tin, cobalt or tungsten; the assay results shall not be used for advertising purposes in any manner or form whatsoever.

Schedule

FEES

1. For a miner's licence or renewal thereof for an individual ..\$	5.00
2. For an individual miner's licence issued on or after the 1st October in any year	3.00
3. For renewal of a miner's licence of a mining partnership having not more than two partners	5.00
4. For renewal of a miner's licence of a mining partnership having more than two but not more than five partners	10.00
5. For renewal of a miner's licence of a mining partnership having more than five partners	20.00

Territorial Lands Act—continued

6. The fee for a miner's licence or renewal thereof for an incorporated company shall be based on the total value of all authorized shares of the company according to the following scale, provided, however, that in no case shall the value of any share having a par value be considered to be less than its par value, nor shall the value of any no-par value share be considered to be less than one dollar (\$1.00):
 - (a) Where the total value of all authorized shares of the company does not exceed \$40,000, the fee shall be\$ 25.00
 - (b) Where the total value of all authorized shares of the company exceeds \$40,000 but does not exceed \$100,000, the fee shall be 50.00
 - (c) Where the total value of all authorized shares of the company exceeds \$100,000 but does not exceed \$500,000, the fee shall be 75.00
 - (d) Where the total value of all authorized shares of the company exceeds \$500,000 but does not exceed \$1,000,000, the fee shall be 100.00
 - (e) Where the total value of all authorized shares exceeds \$1,000,000 but does not exceed \$10,000,000, for each million dollars value, or fraction thereof, the fee shall be 100.00
 - (f) Where the total value of all authorized shares exceeds \$10,000,000, the fee shall be 1,000.00

Provided that in cases where the licence fee, as calculated above would be in excess of one hundred dollars (\$100.00) and it is by affidavit of the president or secretary of the company proved to the satisfaction of the Minister that a part of the capital of the company is being used in other business enterprises and not in mining on Territorial lands in the Northwest Territories, such part may be deducted from such total value for the purpose of fixing the fee but not so as to reduce the fee for licence or renewal thereof below \$100.00. Full information must be supplied in the affidavit of the president or secretary with regard to the name, nature and location of, and the amount of capital in each of the other enterprises referred to in this paragraph for which a deduction is claimed.

If the market value of a par value share of a company exceeds its par value, or if the market value of a no-par value share exceeds one dollar (\$1.00), the market value of all the shares of a company exceeding par value in the case of par value shares, or one dollar (\$1.00) in the case of no-par value shares at the time of application for a licence or renewal thereof, shall be considered as the value of those shares in ascertaining the total value of authorized shares of the company for the purpose of fixing the fee for licence or renewal thereof.

7. Whenever a miner's licence for a company is issued on or after the 1st October in any year, the fee shall be only one-half the amount above specified.
8. For recording each claim, located by a licensee on his own licence\$ 5.00
9. For recording each claim, located by a licensee on behalf of another licensee 10.00

Territorial Lands Act—continued

10. For an examination of the record book, per claim	\$.10
11. For inspecting any document filed with a mining recorder .....	.10
12. For application for a certificate of work	2.50
13. For recording with the mining recorder a transfer, agreement of sale, option, power of attorney, revocation of a power of attorney, copy of a writ of execution, discharge of execution, or any other instrument affecting any recorded claim, right or interest, for each claim	2.00
14. For a substitutional miner's licence	1.00
15. For a special renewal licence under section 68 to save forfeiture, twice the prescribed licence fee.	
16. For filing report of work under section 68 to save forfeiture	10.00
17. For application for a lease of surface or mineral rights	10.00
18. For recording a certificate of revocation of agent and appointment of a new agent for a mining partnership	1.00
19. For recording a transfer of a share or shares in a mining partnership	1.00
20. For copies or certified copies of any document or record obtained from any officer per folio of 100 words .....	.30
21. For an abstract of the records of a claim, for first entry ..	1.00
For each additional entry .....	.10
22. For a grouping certificate	5.00
23. Rental of a claim, for the first period of twenty-one years	50.00
24. Rental of excess area, for first period, per acre	5.00
25. Rental for renewal period	200.00
26. Rental of excess area for renewal period, per acre	20.00
27. Rental for fractional claim	25.00
28. Rental for surface lease, for each acre, per annum	1.00
29. Registration of an assignment of a lease	3.00
30. For a substitutional record of entry	10.00
31. For application for a certificate of improvements	2.50

Forms

Copies of the forms referred to in these regulations may be obtained on application to the Director, Northern Administration and Lands Branch, Department of Northern Affairs and National Resources, Ottawa.

Territorial Lands Act—continued

7. Northwest Territories Placer Mining Regulations

P.C. 1954-1919

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources, and pursuant to the Territorial Lands Act, is pleased to order as follows:

1. The Regulations governing placer mining in the Northwest Territories of Canada, established by Order in Council P.C. 2323 of 9th May, 1949, as amended, are hereby revoked; and

2. The annexed "Regulations governing placer mining in the Northwest Territories" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING PLACER MINING IN THE NORTHWEST TERRITORIES

Short Title

1. These regulations may be cited as the *Northwest Territories Placer Mining Regulations*.

Interpretation

2. In these regulations,

- (a) "base line" of a creek or river means a traverse line following the general direction of the centre bottom lands of the valley of the creek or river, surveyed and established under the direction and with the approval of the Director;
- (b) "claim" means any parcel of land located or granted for placer mining under these regulations;
- (c) "creek" means all natural watercourses, whether usually containing water or not, and that portion of any stream below the point where the same enters the valley of the parent stream, but does not include streams which may be considered rivers under the provisions of the Dredging Regulations, that is, streams having an average width of one hundred and fifty feet or more;
- (d) "Department" means the Department of Northern Affairs and National Resources;
- (e) "Director" means Director of Northern Administration and Lands Branch;
- (f) "ditch" includes flume, pipe, race or other artificial means of conducting water by its own weight, to be used for mining purposes;
- (g) "legal post" means a stake having a diameter throughout of not less than five inches, standing not less than four feet above the ground and flatted on two sides for at least one foot from the top, each of the sides so flatted measuring at least four inches across the face, and includes also any stump or tree cut off and flatted or faced to the aforesaid height and size;
- (h) "mine" means any natural stratum or bed of earth, soil, gravel or cement, mined for gold or other precious minerals or stones;

Territorial Lands Act—continued

- (i) “mining” or “placer mining” includes every mode and method of working whatsoever whereby earth, soil, gravel or cement may be removed, washed, sifted or refined or otherwise dealt with, for the purpose of obtaining gold or such other minerals or stones, but does not include the working of rock in place;
- (j) “mining recorder” means the Agent of Territorial Lands for a district, or other officer authorized to perform the duties of the mining recorder.
- (k) “mining property” includes besides claims, all other things belonging thereto or used in the working thereof for mining purposes;
- (l) “Minister” means the Minister of Northern Affairs and National Resources of Canada;
- (m) “river” means a stream of water having an average general width of at least one hundred and fifty feet at the low water stage thereof; and
- (n) “Territorial Lands” means lands in the Northwest Territories that are vested in the Crown or of which the Government of Canada has the power to dispose and which are under the control of the Minister.

3. These regulations are subject to such other provisions or regulations as may be made by or under the Territorial Lands Act or under any other Act which appear to be necessary or expedient in the public interest governing the development and operation of any mineral claim or mine acquired under these regulations in which minerals containing radioactive elements occur, and also to such regulations as may be made governing the production, conservation and control of such minerals.

4. Nothing herein contained shall be construed to limit the right of the proper authorities, from time to time, to lay out public roads across, through or along any claims without compensation to the owners thereof.

Mining Officials

5. Every mining recorder shall keep the following books to be used for placer mining entries:

- (a) Record of applications;
- (b) Record of refused applications;
- (c) Record book; and
- (d) Record of documents received.

6. Every entry made in any of the mining recorder's books shall show the date upon which such entry is made.

7. All books of record and documents filed shall during office hours be open to public inspection upon payment of a fee of ten cents for each claim searched.

8. Every copy of, or extract from, any entry in any book of record, or of any document filed in the mining recorder's office, certified by the mining recorder to be a true copy or extract, shall be received in any court as evidence of the matters therein contained.

9. Before issuing any grant, or making any entry in any book of record, or filing any document, or making any copy or extract therefrom, the mining recorder shall collect the fees payable in respect thereof, as prescribed in the Schedule hereto.

Territorial Lands Act—continued*Right to Acquire Claims*

10. Any person eighteen years of age, and over, may enter for mining purposes, locate, prospect and mine for minerals upon Territorial Lands the right to which entry, prospecting and mining is vested in or reserved to the Crown, except lands within any municipal district, local improvement district or settlement, or lands occupied by a building, or within the curtilage of a dwelling house, or lands lawfully occupied for placer mining purposes, or lands reserved for an Indian Reserve, a national park, a game sanctuary or for military or any public purpose.

11. No person shall enter for mining purposes, or shall mine upon lands owned or lawfully occupied by another until he has given adequate security to the satisfaction of the mining recorder, for any loss or damage which may be thereby caused, and persons so entering or mining upon any such lands shall make full compensation to the owner or occupant of such lands for any loss or damage so caused, such compensation, in case of dispute, to be determined by a court having jurisdiction in mining disputes.

Size, Form and Other Particulars of Claims

12. Claims shall be designated creek claims, river claims, and inland claims, that is claims situated elsewhere than on a creek or river.

13. (1) A creek claim shall not exceed 500 feet in length, measured along the base line of the creek, established or to be established by a government survey.

(2) Every creek claim shall be as nearly as possible rectangular in form, and shall be marked by two legal posts firmly fixed in the ground on the base line at each end of the claim; where the base line is not established, the claim may be staked along the general direction of the valley of the creek, but in such case, when the base line is established, the boundaries thereby defined shall be conformed to.

14. The rear boundaries of the claim shall be parallel to the base line and shall be defined by measuring 1,000 feet on each side of such base line, so that the claim shall include the bed of the creek and a tract extending for 1,000 feet on each side of the base line thereof.

15. The official survey which establishes the base line of a creek shall, at the same time, establish the side lines of claims located on the creek, and shall be a final determination of the location of such base line and side lines.

16. A river claim shall be situated on one side of the river only, and shall not exceed 1,000 feet in length measured in the general direction of the river; the rear boundary of the claim, which runs in the general direction of the river, shall be defined by measuring 1,000 feet from low water mark of the river.

17. Every river claim shall be as nearly as possible rectangular in form, and shall be marked by two legal posts firmly fixed in the ground at each end of the claim on the margin of the river.

18. (1) Inland claims shall not exceed 1,000 feet in length by 1,000 feet in width.

Territorial Lands Act—continued

(2) Where such claims front towards a creek or river they shall be staked as nearly as possible in the general direction of the valley of the creek or river towards which they front.

19. Inland claims shall be as nearly as possible rectangular in form and shall be marked by two legal posts firmly fixed in the ground in a line parallel to and on the side nearest to the creek or river towards which they front.

20. All claims shall be measured horizontally irrespective of inequalities on the surface of the ground.

21. The line between the two posts shall be well cut out so that one post may, where the nature of the surface will permit, be seen from the other.

22. One of the flatted sides of each post shall face the claim, and on each post shall be written on the side facing the claim a legible notice stating the name or number of the claim, or both if possible, its length in feet, the date when staked, and the full Christian and surname of the locator.

23. The posts shall be numbered 1 and 2 respectively and no post shall be moved except that post number 2 may be moved by a Dominion Land Surveyor where the distance between the posts exceeds the length prescribed by these regulations.

24. Notwithstanding anything herein contained failure on the part of a locator of a claim to comply with any of the foregoing provisions, shall be deemed not to invalidate his location, where, upon the facts, it appears to the satisfaction of the mining recorder that there has been on the part of the locator a *bona fide* attempt to comply with the provisions of these regulations, and that the non-observance of the formalities hereinbefore referred to is not of a character likely to mislead other persons desiring to locate claims in the vicinity.

25. (1) Any person or party of persons locating under these regulations, the first creek claim on any stream or watercourse or locating a creek claim on any stream upon which there is no recorded claim, is entitled to a claim or claims respectively of the following size:

- (a) one locator, one claim 1,500 feet in length;
- (b) a party of two locators, two claims each 1,250 feet in length; or
- (c) a party of more than two locators, two claims each 1,000 feet in length and for each member of the party beyond two, a claim of the ordinary size only.

(2) Any person or party of persons locating under the regulations the first river or inland claim on any river, hill, bench, bar or plain, or locating such a claim on any river, hill, bench, bar or plain, upon which there is no recorded claim, is entitled to a claim or claims respectively of the following size:

- (a) one locator, one claim 3,000 feet in length;
- (b) a party of two locators, two claims each 2,500 feet in length; or
- (c) a party of more than two locators, two claims each 2,000 feet in length, and for each member of the party beyond two, a claim of the ordinary size only.

Territorial Lands Act—continued

26. The boundaries of any claim for which a grant has been issued may by order of the mining recorder, upon application by the owner thereof, be enlarged to the size of the claim allowed by these regulations if such enlargement will not interfere with any mining property owned by any other person.

Locating and Recording

27. (1) An application for a grant of a claim in Form A shall be filed with the mining recorder within ten days after the location thereof, where it is located within ten miles of the mining recorder's office.

(2) One extra day shall be allowed for every additional ten miles or fraction thereof.

28. No grant shall be issued by a mining recorder for a part of a claim which is already recorded.

29. (1) Where a claim is more than 100 miles by travelled route from the mining recorder's office and situated in an area where other claims are being located, the locators, not less than five in number, are authorized to meet in such area, and appoint one of their number, an emergency recorder.

(2) Where a claim is recorded with an emergency recorder, the application for a record of such claim shall be made to the emergency recorder within seven days after the date of the staking of such claim.

30. (1) An emergency recorder shall at the earliest possible date after his appointment notify the mining recorder for the district in which the claims are, of such appointment, and he shall deliver personally or otherwise to such mining recorder the applications he has received for mineral claims and the fees which he has collected for receiving the same.

(2) The mining recorder shall grant to each person from whom the emergency recorder has accepted an application in Form A and the prescribed fee, a grant for his claim in Form B, the grant to date from the day the emergency recorder accepted the application and fee.

(3) Where the emergency recorder fails within four months to notify the mining recorder of his appointment and to deliver to him personally or otherwise the applications received and the fees collected the grants for such claims may be refused in the discretion of the Director.

(4) An emergency recorder shall note on each application the date upon which such application was received by him and the amount of fees paid in respect thereto.

(5) An emergency recorder who, while acting as such, has staked a claim in the vicinity of claims staked by the persons who appoint him an emergency recorder may record the mineral claim so staked by him at any time within the period in which he is required to deliver to the mining recorder his appointment and the applications received by him from such persons.

31. Any person upon satisfying a mining recorder that he is about to undertake a *bona fide* prospecting trip, may, upon payment of a fee of two dollars, receive written permission from the mining recorder, allowing him to record a claim within his mining district at any time within a period not exceeding six months from the date of his staking such claim.

Territorial Lands Act—continued

32. No application shall be received for a claim which has not been staked by the applicant in person in the manner specified in these regulations, except that where any person satisfies the mining recorder that he is about to undertake a *bona fide* prospecting trip, and files with the mining recorder a power of attorney, from not more than two persons, authorizing him to stake claims for them in consideration of their having enabled him to undertake the trip, he may stake one claim of the ordinary size in the name of each such person within the valley or basin of any creek or river upon which he makes a discovery.

33. (1) As soon as reasonably possible after the recording of a mineral claim, the holder of the claim shall securely affix or cause to be so affixed a claim tag to each of the legal posts of the claim, and in default the claim may be cancelled by the mining recorder on the application of anyone misled by the absence of such tags.

(2) The mining recorder, on application, shall supply claim tags free of charge.

34. (1) Where a claim is in good standing the person holding a grant of such claim may at any time abandon the claim, by giving notice in writing of his intention to do so to the mining recorder and surrendering his grant to the mining recorder, and thereafter he shall not personally or through any other person relocate the same claim.

(2) No claim shall be relocated within thirty days of its being so abandoned, or until notice of such abandonment has been posted for at least a week in a conspicuous place on the claim and in the office of the mining recorder, or until a statutory declaration has been filed with the mining recorder that the notices have been so posted.

35. No person who records a claim shall locate another claim within the valley or basin of the same creek or river within sixty days of the day on which he located such claim.

36. During the absence of the mining recorder from his office, an application for a claim may be received by the person appointed by the mining recorder to perform his duties in his absence.

37. (1) No person except a Dominion Land Surveyor pursuant to section 23 shall move any legal post of a claim.

(2) No person shall deface or alter in any manner the notices or markings on any legal post of a claim.

Title

38. (1) Any person having duly located a claim may obtain a grant thereof for one year by paying to the mining recorder, in advance, the fees prescribed in the Schedule hereto.

(2) Such person shall, upon receiving such grant, be entitled to hold the claim for the period specified therein with the right of renewal from year to year thereafter upon payment of the prescribed renewal fee, where such person during each year of the said period and during each year for which such renewal is granted does, or causes to be done, work on the claim to the value of one hundred dollars, in accordance with a schedule to be prepared by the mining recorder and approved by the Director, and files within one month after the date of the expiration of the said period

Territorial Lands Act—continued

or renewal thereof, with the mining recorder or his agent, an affidavit made by him or his agent, stating that such work has been done, and setting out a detailed statement thereof, in Form C.

(3) Any such work done outside of a claim with intent to work the claim shall be deemed, where it has direct relation to the claim, and where it is satisfactory to the mining recorder, to be work done on the claim for the purpose of this section.

39. (1) Where work referred to in section 38 is not done and filed as therein required, the title of the owner of the claim shall thereupon be forfeited and the claim shall forthwith be open for relocation without any declaration of cancellation or forfeiture on the part of the Crown.

(2) The Director may grant an extension of time for periods not exceeding one year for the performance of representation work prescribed by section 38 where any reasons in justification of the extension of time satisfactory to the mining recorder are submitted by the recorded owner of the claim and a fee of five dollars tendered for each claim affected.

40. Where the owner of a claim has done the required work thereon but has failed to renew his grant thereof, the mining recorder may issue a grant to any person relocating such claim but the owner may, within six months after the date on which his grant became due for renewal, apply for the cancellation of any grant so issued and the latter grant shall be cancelled upon its being proved to the satisfaction of the mining recorder that the required work was done by the said owner and upon the said owner paying a renewal fee of fifteen dollars where the application is made within the first three months or a fee of thirty dollars where the application is made within the second three months and also paying the expenses incurred by the relocater in locating and applying for the claim and obtaining a grant thereof and compensation for any *bona fide* work that he has performed thereon, less the reasonable value of any mineral removed.

41. Where two or more persons own a claim, each such person shall contribute, proportionately to his interest, to the work required to be done thereon, and where it is proved to the mining recorder, after notice of hearing has been served as directed on all parties interested, that any co-owner has not done so, his interest may vest by order of the mining recorder in the other co-owner or co-owners in proportion to their respective interests.

42. (1) The owner of a claim may sell, mortgage or dispose of it, where the instrument showing such disposal is deposited in duplicate with the mining recorder.

(2) The mining recorder shall, upon such deposit, register the instrument and return to the assignee one of the duplicates with a certificate endorsed thereon that the instrument has been recorded in his office.

43. No agreement affecting the title to any claim, or to any interest therein, is enforceable against any person without notice, unless such agreement or some memorandum thereof is in writing, duly signed, and is recorded in the office of the mining recorder.

44. Every person receiving a grant of a claim, or the permission to record a claim within the period not exceeding six months hereinbefore authorized has, during the continuance of his grant or permission, the

Territorial Lands Act—continued

exclusive right to enter upon his claim for the miner-like working thereof and the construction of a residence thereon, and is entitled to all the proceeds realized therefrom; except that the mining recorder may grant to the holder of other claims such rights of entry thereon as may be absolutely necessary for the working of their claims, upon such terms as to him seem reasonable.

45. No person shall suffer from any omission, delay or improper act on the part of any government official, and the Minister may make such order as he may deem necessary to remedy any injury caused by any such omission, delay or improper act.

46. Where, through the acts or defaults of any person other than the owner of a claim, or his agent by him duly authorized, the evidence of the location or record on the ground or the situation of the claim has been destroyed, lost or effaced, or is difficult of ascertainment, effect shall nevertheless be given to the location as far as possible, and the mining recorder may make all necessary inquiries, directions and references in the premises for the purposes of carrying out the object of such location and vesting title in such owner.

Grouping

47. (1) Upon application being made to him by the owner, or owners, of adjoining claims, not exceeding ten in number, the mining recorder may grant permission for a term not exceeding five years to such owner, or owners, to perform on any one or more of such claims all of the work required to entitle such owner or owners to a renewal grant for each of the claims.

(2) Where such claims are recorded in the name of more than one owner, before the said permission is granted, a partnership agreement creating a joint and several liability on the part of all of the owners of said claims for the joint working of the same shall be executed by each of the said owners and filed with the mining recorder.

(3) Upon application being made to him for such permission with respect to more than ten adjoining placer mining claims, or any number of placer mining claims, some of which do not adjoin, by the owner or owners thereof the same may be granted by the Director for the period aforesaid where upon report by the mining inspector, it is shown to the satisfaction of the Director that the said claims are to be operated by a system of mining which has a direct bearing upon all of the claims affected, and renders a considerable area necessary to successful operation by the system proposed.

(4) Where such claims are recorded in the names of more than one owner, before such permission is granted, a partnership agreement, as provided by subsection 2, shall be executed and filed with the mining recorder.

(5) Such agreement shall state the address within the Northwest Territories at which the notice of cancellation, hereinafter referred to, may be served upon the partnership; service of such notice at such address shall be good and sufficient notice to all the parties to the partnership agreement.

(6) The permission, however, shall be subject to cancellation at any time by the Director after sixty days' notice to the persons interested,

Territorial Lands Act—continued

where it appears from the report of the mining inspector, or otherwise, that the system of mining, contemplated when the permission was granted, is not being installed or operated with reasonable diligence.

48. (1) Grants of claims in respect of which the permission referred to in section 47 has been granted, and grants of any claims within a mining district, owned by one person, may be made renewable by the mining recorder on the same day.

(2) In granting the privilege allowed under this section the mining recorder shall charge the applicant one dollar and twenty-five cents for every three months or portion thereof for each claim during that portion of the year it is necessary to renew the same to make all the claims renewable on the same day, and the representation work required for the fractional portion of the year for which each claim is renewed shall be allowed at the rate of twenty-five dollars for each three months or fraction thereof, and the said representation work shall be performed and recorded on or before the date from which all the claims are first made renewable.

Water Rights

49. Every person owning a claim is entitled to the seepage water on his claim and to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as, in the opinion of the mining recorder, is necessary for the due working thereof and is entitled to drain his own claim free of charge.

50. A mining recorder may, upon application being made in the manner prescribed, grant to any person, who is the holder of a recorded interest in any mining ground, for any mining purpose on such ground, or for any purpose incidental thereto, for any term not exceeding five years, or in special cases for such longer term as may be determined, the right to divert or take, and use the water from any stream or lake, at any particular part thereof, and the right of way through any entry upon any mining ground for the purpose of constructing and repairing ditches and flumes to convey such water.

51. (1) Every applicant for a water grant shall post for twenty days previous to the making of the application a notice in writing of his intention to apply to the mining recorder for such grant

- (a) at the point of proposed diversion or taking;
 - (b) on the claim on which such water is intended to be used;
 - (c) on each claim or person's land to be crossed by the water in course of transit to the place of user; and
 - (d) in the office of the mining recorder;
- and shall forward a copy of such notice to the mining recorder.

(2) Such notice shall state

- (a) the name of the applicant;
- (b) the name or, if unnamed, a sufficient description of the stream, lake or other source from which water is intended to be diverted or taken;
- (c) the point of diversion or taking or intended ditchhead, and the point where the water is to be returned to the stream;
- (d) the means by which it is intended to divert or take, or to store the water;

Territorial Lands Act—continued

- (e) the number of inches of water to be applied for;
- (f) the purposes for which it is required, stated with reasonable particularity;
- (g) the claim upon which the water is to be used; and
- (h) the date of the posting of the notice, and the date on which application will be made to the mining recorder for the granting of the record.

52. On the day mentioned in the notice of application or at a subsequent day and time to be fixed by the mining recorder, as the case may be, application shall be made by or on behalf of the applicant, either by attendance in person or by agent, or in writing, for a grant in accordance with the terms of the notice.

53. The mining recorder shall, at such day and time, proceed to adjudicate upon the application and may, upon proof to his satisfaction that the applicant is the holder of a recorded interest in the mining ground upon which the water is to be used, of the publication of notice in matter aforesaid, of the ability of the applicant to construct the necessary works, of the right of the applicant to apply for a record under these regulations or any of them, and of the volume of unrecorded water available for diversion, having regard to existing rights and records whether held by land owners or mine owners, and to pending applications, issue to the applicant a grant in Form D of such amount of water and for such purposes as, in the discretion of the mining recorder, are reasonably required by the applicant for the purposes specified in his notice of application.

54. The mining recorder may adjourn such adjudication from time to time as circumstances render expedient, and may take evidence by statutory declaration or otherwise, and hear all parties whose rights are or may be affected by the application.

55. The holder of a water grant shall take all reasonable means for utilizing the water granted to him; and where he wilfully wastes any water or takes a quantity of water in excess of his actual requirements, or has worked out or abandoned the claim or claims with respect to which the water grant was issued, the mining recorder may cancel or reduce the grant, or impose such conditions as he thinks proper.

56. Every grant of water on an occupied creek is subject to the rights of the claim owners who, at the time of such grant, are working on the stream above or below the ditchhead, and of any other persons lawfully using such water for any purpose whatsoever.

57. Where, after a grant has been made, any person or persons locate and *bona fide* work any claim or claims below the ditchhead on the stream affected by such grant, they are collectively entitled to the continuous flow in the said stream of the water passing such claim or claims to the following extent;

- (a) where three hundred inches or less are diverted, they are entitled to forty inches and no more; and
- (b) where over three hundred inches are diverted, they are entitled to sixty inches, and no more;

except, in either case, upon paying to the owner of the ditch, and all other persons interested therein, compensation equal to the amount of damage sustained by the continuous flow of such extra quantity of water as is

Territorial Lands Act—continued

desired and in computing such damage the loss sustained by the owners of such claims using water from the ditch and all other reasonable losses shall be considered.

58. In measuring water in any ditch or sluice, the following rules shall be observed:

- (a) the water taken into a ditch or sluice shall be measured at the ditch or sluicehead;
- (b) no water shall be taken into a ditch or sluice except in a trough placed horizontally at the place at which the water enters it;
- (c) one inch of water means half the quantity that will pass through an orifice two inches high by one inch wide with a constant head of seven inches above the upper side of the orifice; and
- (d) a sluicehead consists of fifty such inches of water.

59. The owner of any ditch, water privilege or claim shall, at his own expense, construct, secure and maintain all culverts necessary for the passage of waste and superfluous water flowing through or over any such ditch, water privilege or claim.

60. The owner of any ditch or water privilege shall construct and secure the same in a proper and substantial manner, and maintain the same in good repair, to the satisfaction of the mining recorder, and so that no damage shall occur to any road or work in its vicinity from any part of the works of such ditch or water privilege.

61. The owner of any ditch or water privilege shall be liable for, and shall make good in such manner as the mining recorder determines, all damages which may be occasioned by or through any part of the works of the ditch, water privilege, or right, breaking or being imperfect.

62. Failure to so construct, secure and maintain in good repair, the ditch or water privilege, or to make good any damages which may result from breakage or imperfection renders the water grant subject to cancellation in the discretion of the Minister.

63. Every grant of water obtained by the owner of a claim shall be deemed appurtenant to the claim in respect of which record is obtained; and all assignments, transfers or conveyances permitted by law of any claim, shall be construed to have conveyed and transferred, and to convey and transfer, any and all recorded water privileges appurtenant to the claim assigned, transferred, or conveyed.

Drainage

64. The mining recorder may grant permission to run a drain or tunnel for drainage purposes through any occupied or unoccupied lands whether mineral or not, and may give exclusive rights of way through and entry upon any mining ground for any term not exceeding five years, for the purpose of constructing and maintaining drains for the drainage thereof.

65. (1) The grantee shall, if requested so to do, before entering upon any of the lands or claims of others for such purpose, give to the owners thereof adequate security for any damage they may sustain by reason of the construction of such tunnel or drain; and payment shall be made by him from time to time before the work is completed, of the compensation

Territorial Lands Act—*continued*

to which such owners are entitled; such compensation, if not agreed upon, shall be determined by the board of arbitration referred to in this section and be paid before the drain or tunnel is completed.

(2) The board of arbitration shall be appointed as follows: one arbitrator shall be appointed by each of the owners, and in the event of the total number of arbitrators so appointed being an even number an additional arbitrator shall be selected and appointed by the arbitrators appointed by the owners.

(3) Where the arbitrators appointed by the owners are an even number and are unable to agree upon the additional arbitrator, the mining recorder, upon being requested so to do by such arbitrators, or by any of the interested owners, shall appoint the additional arbitrator.

66. Such drain or tunnel, when constructed, shall be deemed to be the property of the person by whom it has been constructed.

67. (1) Every application for a grant shall state the names of the applicants, the nature and extent of the proposed drain or drains, the amount of toll, if any, to be charged, and the privileges sought to be acquired, and shall, save where the drain is intended only for the drainage of the claim of the person constructing it, be accompanied by a deposit of twenty-five dollars, which shall be refunded if the application is refused, but not otherwise.

(2) Ten full days' notice shall be given of any such application to be made in June, July, August, September or October, and one month's notice of an application to be made in any other month, by affixing the notice to a post planted in some conspicuous part of the ground, and by posting up a copy thereof in the office of the mining recorder.

(3) Prior to such application, the ground included therein shall be marked out to the satisfaction of the mining recorder.

(4) Any person may, within the time prescribed for the notice of such application, but not afterwards, protest before the mining recorder against such application being granted.

68. (1) The grant of the right of way to construct drains and tunnels shall be in Form E.

(2) The grant shall be registered by the grantee in the office of the mining recorder, to whom he shall at the time pay a fee of five dollars or, if the grant gives power to collect tolls, a fee of forty dollars.

(3) An annual rent of ten dollars shall be paid, in advance, to the mining recorder by the grantee, for each quarter of a mile of right of way legally held by him, except where the drain is for the purpose of draining only the claim of the person constructing it.

Administration

69. Where the owner of a claim dies, or is adjudged to be insane, the provisions as to abandonment shall not apply either during his last illness or after his decease, or after he has been so adjudged, or, where it appears that the neglect or omission on account or by reason of which such claim would otherwise have been deemed to be abandoned was attributable to his insanity, during such period prior to his having been so adjudged as he shall be shown to have been insane.

Territorial Lands Act—continued

70. The Director may cause the mining property of any deceased or insane person to be worked in the usual manner, or may authorize the working of such property to be dispensed with for such periods as the necessity of the case may in his opinion demand, and he may also, where he sees fit, and where there is no other legal representative, cause the property to be taken possession of and administered subject to the provisions of any law or ordinance respecting the administration of the estates of deceased or insane persons.

71. All charges and expenses incurred by any person acting under the instructions of the Director in or about the working of a mining property, or in taking or keeping possession thereof, are a first charge against the same, until paid.

72. Affidavits and declarations made under the provisions of these regulations may be made before a mining recorder, an emergency recorder, or any person duly authorized to administer an oath.

Royalty

73. (1) An owner of a claim shall pay
- (a) a royalty upon all gold recovered at the rate of one and one quarter per cent of its value;
 - (b) a royalty upon all other minerals recovered, including silver at the rate of two and one half per cent of its value.
- (2) Every grant under these regulations shall be subject to the condition that the rate of royalty payable upon gold and other minerals recovered may be varied from time to time.

Schedule

FEEES

Grant of a claim for one year	\$ 10.00
Renewal of grant of a claim	10.00
Recording an abandonment	2.00
Registration of any document	3.00
Where it affects more than one claim, for each additional claim	0.50
Filing any document	1.00
Extension of time	5.00
Abstract of title—	
For first entry	2.50
Each additional entry	0.50
Copy of document—	
Up to 200 words	1.00
Each additional 100 words	0.50

Territorial Lands Act—continued

Grant of water—	
50 inches or less	\$ 5.00
From 50 to 200 inches	10.00
From 200 to 1,000 inches	20.00
Each additional 1,000 inches or fraction thereof	20.00

Forms

Copies of the forms referred to in these regulations may be obtained on application to the Director, Northern Administration and Lands Branch, Department of Northern Affairs and National Resources, Ottawa.

8. Territorial Dredging Regulations

P.C. 1954-1920

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the Territorial Lands Act, is pleased to order as follows:

1. The Regulations governing the issue of leases to dredge for minerals in the submerged beds of rivers in the Northwest Territories and Yukon Territory, established by Order in Council P.C. 2319 of 9th May, 1949, are hereby revoked; and
2. The annexed "Regulations governing the issue of leases to dredge for minerals in the submerged beds of rivers in the Northwest Territories and Yukon Territory", are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS GOVERNING THE ISSUE OF LEASES TO DREDGE FOR MINERALS
IN THE SUBMERGED BEDS OF RIVERS IN THE NORTHWEST
TERRITORIES AND YUKON TERRITORY

1. These regulations may be cited as the *Territorial Dredging Regulations*.
2. (1) In these regulations,
 - (a) "mineral" includes every natural substance including gold and silver that may be recovered from the submerged bed of a river by the process commonly known as dredging, but does not include peat, bitumen, oil shales, clay, sand and gravel;
 - (b) "Minister" means the Minister of Northern Affairs and National Resources;

Territorial Lands Act—continued

- (c) "recorder" means a person designated by the Minister to perform the duties of a recorder for a mining district established under the Territorial Lands Act for the Northwest Territories or for a mining district established under the Placer Mining Act for the Yukon Territory;
- (d) "river" means a stream of water the bed of which is of an average width of one hundred and fifty feet throughout the portion thereof sought to be leased; and
- (e) "river bed" means the bed and bars of the river to the foot of the natural banks.

(2) The recorder's decision as to the width of any stream on which dredging applications have been made shall be final.

3. The Minister may issue leases to any person applying therefor granting the exclusive right to dredge for minerals in the submerged bed of any river in the Northwest Territories or the Yukon Territory.

4. Every location for a dredging lease shall be marked out by two posts placed on the margin of such river, above highwater mark, as follows:

- (a) The No. 1 post be at least four feet above the surface of the ground located at the upstream end of the area to be covered by the lease and shall be a post not less than four inches in diameter, mounded to a height of two feet, such mounding to be conically shaped having a diameter at the base of not less than three feet; this post shall be faced on the downstream side, which facing shall contain the following inscription legibly marked thereon:
 - (i) post No. 1;
 - (ii) date and time of staking;
 - (iii) name of staker;
 - (iv) distance to No. 2 post;
 - (v) the letters "DL".
- (b) The No. 2 post shall be similar to the No. 1 post and placed on the same side of the river as the No. 1 post at the downstream end of the location covered by the lease and shall be faced and mounded in the manner prescribed for Post No. 1; the inscription thereon shall be as follows:
 - (i) post No. 2;
 - (ii) name of staker;
 - (iii) distance upstream to No. 1 post; and
 - (iv) the letters "DL".

5. A portion of a river staked under these regulations shall be continuous, and shall in no case exceed ten miles measured along the middle of the river following its sinuosities.

6. Every lessee of a lease issued under these regulations shall have the exclusive right to dredge the river bed within the length of river leased to him.

7. Not more than one lease shall be issued to any one person.

8. The lessee shall, when so directed by the Minister, cause a survey to be made, at his own expense and in accordance with the instructions of the Surveyor General, of the area of river leased to him, and the returns

Territorial Lands Act—continued

of such survey shall be filed in the Department of Northern Affairs and National Resources within six months after receipt by the lessee of such direction and instructions.

9. (1) The lease shall be for a term of fifteen years, at the end of which time all rights vested in or which may be claimed by the lessee under his lease shall cease and determine.

(2) A lease may be renewed from time to time at the discretion of the Minister if it is shown to his satisfaction that

(a) the area of the lease has not been fully dredged; and

(b) the lessee has during the term of his lease carried on dredging operations efficiently and has otherwise complied with these regulations.

10. The lessee shall not assign, transfer or sublet the demised premises or any portion thereof, without the consent in writing of the Minister.

11. (1) A lease of an area in the Northwest Territories issued under these regulations is subject to the rights of all persons who prior to the issue of the lease recorded claims under the provisions of the Northwest Territories Placer Mining Regulations.

(2) A lease of an area in the Yukon Territory issued under these regulations is subject to the rights of all persons who prior to the issue of the lease recorded claims under the provisions of the Yukon Placer Mining Act.

12. (1) The lessee shall, within three years from the date of his lease, have at least one dredge, of such capacity as the Minister may deem sufficient, in operation upon the area described in his lease, and shall in every year thereafter during the continuance of his lease dredge from such area not less than 20,000 cubic yards of gravel, sand or other substance

(2) If the lessee fails to furnish proof yearly, or at such times as the Minister may direct, of the efficient operation of such dredge, and of the actual work performed, the Minister may cancel the lease.

(3) Upon application to that effect being made to him by any persons holding adjoining dredging leases, not exceeding five in number, the Minister may grant permission to such persons to operate each of their respective dredges on any one or more of the areas covered by such leases for a term not exceeding ten years, and to perform on any one or more of such areas all the work required to be done on each area separately, as required by subsection (1).

13. (1) The application for a lease shall be accompanied by a fee of five dollars together with the rental for the first year at the rate of one hundred dollars for each mile of river to be leased.

(2) The rental for each subsequent year shall be at the rate of ten dollars for each mile, payable in advance.

14. (1) The lessee shall pay,

(a) a royalty upon all gold recovered from the bed of a river under a dredging lease at the rate of one and one-quarter per cent of its value; and

Territorial Lands Act—continued

- (b) a royalty upon all other minerals including silver, recovered from the bed of a river under a dredging lease at the rate of two and one-half per cent of its value.

(2) Every lease issued under these regulations shall be subject to the condition that the rate of royalty payable upon gold, silver and other minerals recovered from the beds of rivers under such a lease may be varied by regulation from time to time.

15. (1) The lessee may obtain from the Timber Agent a permit or permits to cut, free of dues, such timber as may be necessary for the purposes of his dredging operations.

(2) Such permit or permits shall contain a description of the tract or tracts within which the timber may be cut, and the kind, dimensions and quantities of timber to be so cut.

(3) Such permit, however, shall not give or be deemed to give to the holder thereof any exclusive right to the timber on the tract therein described.

16. (1) The lessee shall not interfere in any way with the general right of the public to use for navigation or other purposes the river upon which he holds a lease.

(2) The free navigation of a river shall not be impeded by the deposit of tailings, and the current or stream shall not be obstructed by the accumulation of tailings.

(3) If the lessee fails to comply with the requirements of subsections (1) and (2), notice may be posted, by such officer as the Minister directs, at the point where the stream has been impeded or obstructed or in the vicinity thereof, requiring such defect to be remedied, and a copy of such notice shall be served upon the lessee or his agent.

(4) If the lessee fails to remove, within the time set out in the said notice, the impediment or obstruction complained of, the lease may be cancelled by the Minister.

17. The lease shall provide that

- (a) any person who has recorded or records a claim under the Northwest Territories Placer Mining Regulations; or
- (b) any person who has recorded or records a claim under the Yukon Placer Mining Act,

shall be entitled to run tailings into the river at any point thereof and to construct all works which may be necessary for properly operating his claim, but no such person shall construct a dam or wing-dam within one thousand feet from the place where any dredge is being operated, or obstruct or interfere in any way with the operation of any dredge.

18. The lease shall

- (a) reserve all roads, ways, bridges, drains and other public works and all duly authorized improvements now existing or which may hereafter be made in, upon, or under any part of the river, and the right to enter and construct the same,
- (b) provide that the lessee shall not damage nor obstruct any public or duly authorized ways, drains, bridges, works and improvements now or hereafter to be made upon, in, over, through or under the river, and

Territorial Lands Act—continued

- (c) provide that the lessee shall substantially bridge or cover and protect all the cuts, flumes, ditches and sluices and all pits and dangerous places at all points where they may be crossed by a public highway or frequented path or trail to the satisfaction of the Minister.

Schedule

FEES

Application for a lease	\$ 5.00
Application for renewal of a lease.....	5.00
Assignment of a lease.....	3.00
Rate of rental per mile for the first year.....	100.00
Rate of rental per mile for subsequent years.....	10.00

9. Territorial Coal Regulations

P.C. 1954-1979

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 16th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Northern Affairs and National Resources and pursuant to the Territorial Lands Act, is pleased to order as follows:

1. The Regulations for the issue of permits to mine coal for domestic purposes in the Northwest Territories and the Yukon Territory, established by Order in Council P.C. 2320 of 9th May, 1949, and the Regulations for the disposal of coal mining rights in the Northwest Territories and Yukon Territory, established by Order in Council P.C. 2321 of 9th May, 1949, are hereby revoked; and

2. The annexed "Regulations for the disposal of coal mining rights the property of the Crown in the Northwest Territories and Yukon Territory" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS FOR THE DISPOSAL OF COAL MINING RIGHTS
THE PROPERTY OF THE CROWN
IN THE NORTHWEST TERRITORIES AND YUKON TERRITORY

Short Title

1. These regulations may be cited as the *Territorial Coal Regulations*.

Interpretation

2. In these regulations:

- (a) "Chief of the Lands Division" means the Chief of the Lands Division of the Northern Administration and Lands Branch of the Department of Northern Affairs and National Resources;

Territorial Lands Act—continued

- (b) “lessee” means the holder of a lease of a location for coal mining purposes;
- (c) “location” means a tract of land containing coal, or believed to contain coal, located or staked in accordance with these regulations;
- (d) “Minister” means the Minister of Northern Affairs and National Resources;
- (e) “permittee” means the holder of a permit issued under these regulations;
- (f) “recorder” means a person designated by the Minister to perform the duties of a recorder for a mining district established under the Territorial Lands Act for the Northwest Territories and established under the Placer Mining Act for the Yukon Territory;
- (g) “territorial lands” means lands in the Northwest Territories or in the Yukon Territory that are vested in the Crown or of which the Government of Canada has power to dispose; and
- (h) “year” means a period of twelve consecutive months.

3. These regulations apply only to territorial lands under the control, management and administration of the Minister, pursuant to the Territorial Lands Act.

4. (1) Subject to subsection (2), no person shall mine coal on territorial lands except under the authority of these regulations.

(2) Nothing contained in these regulations shall, except where such intention is expressly stated, be so construed as to affect prejudicially any rights and interests acquired prior to the day these regulations come into force.

5. (1) Any person eighteen years of age or over on his own behalf or on behalf of any other person or persons, or a corporation, is entitled, subject to subsection (2), to stake out a location under the provisions of these regulations for the mining of coal on territorial lands.

(2) The following lands are not available for staking under these regulations,

- (a) land used as a cemetery;
- (b) land within the limits of a municipal district, a municipality or a local improvement district;
- (c) land reserved for an Indian Reserve, a national park or game sanctuary or for military or other public purpose;
- (d) land reserved under the Dominion Water Power Act; or
- (e) land lawfully occupied for mining purposes.

6. (1) Where the surface rights of any land are owned or lawfully occupied by another, no person shall stake a location until he has deposited with the recorder,

- (a) the consent of the owner or the occupant of the surface rights; or
- (b) security in an amount which in the opinion of the recorder is adequate for any loss or damage which may result from staking on such land, the security to be in money or in the form of bearer bonds of Canada or bearer bonds of the Canadian National Railway unconditionally guaranteed as to principal and interest by

Territorial Lands Act—continued

Canada or bonds of Canada and such Railway Company registered in the name of the Minister of Finance and the Receiver General of Canada.

(2) A person so staking shall compensate the owner or lawful occupant of the surface rights for any loss or damage caused by such staking.

Staking Location

7. (1) A person desiring to obtain a lease or a permit of a location under these regulations shall stake out such location as nearly as possible in the form of a rectangle of which the length shall not exceed four times the width.

(2) The area of a location shall not exceed six hundred and forty acres where it is intended to apply for a lease, or more than one acre where it is intended to apply for a permit.

8. (1) Every location shall be marked upon the ground by

(a) a post at each of the four corners of the claim, which posts shall be,

(i) of sound timber, firmly placed in or on the ground or a stump of a tree left rooted in the ground in an upright position extending not less than four feet above the ground;

(ii) squared or faced at least eighteen inches from the top, with each side so squared or faced measuring at least three inches across its face; and

(iii) mounded with stone, such mound to be constructed by the person staking and to consist of not less than four stones, or mounded with earth, any such mound to be conical in shape and to be not less than two feet in diameter at the base and one foot high;

OR

(b) a metal tube at each of the four corners of the location and each metal tube shall be

(i) not less than four inches in length and one-half inch in diameter;

(ii) closed at both ends;

(iii) placed in the centre of a mound of stone, which mounds shall be constructed by the person staking and shall consist of not less than four stones or placed in the centre of a mound of earth, any such mound to be conical in shape and not less than three feet in diameter at the base and two feet high.

(2) The post or metal tube at the northeast corner shall be numbered one, at the southeast corner, two, at the southwest corner, three, and at the northwest corner, four.

(3) A person staking a location shall write on each post or write on waterproof paper or fabric and insert such paper or fabric in the metal tube, the number of the post or metal tube, the name of the person on whose behalf the location is staked, the date and time of staking, and

(a) where it is intended to apply for a lease, the letters "CML"; or

(b) where it is intended to apply for a permit, the letters "CMP";

9. (1) Prior to applying for a lease or a permit, a person who has staked a location shall mark the boundaries of such location so that each boundary can be definitely recognized throughout its entire length.

Territorial Lands Act—continued

(2) In timbered areas, such boundaries shall be marked at intervals not exceeding one hundred feet apart by placing on trees adjoining the boundary, three blazes, one blaze to be placed on the side of the tree facing the boundary and one blaze on each of the two sides of the tree in the direction of the boundary, and where necessary the underbrush along such boundary shall be cleared.

(3) In non-timbered areas the boundaries shall be marked by clearing brush where necessary and by erecting cairns of stone, such cairns shall be constructed by the person staking and shall consist of not less than four stones, or mounds of earth, and such cairns or mounds shall be conical in shape and not less than two feet in diameter at the base and not less than one foot high.

10. (1) An application for a lease or permit shall be made,

- (a) if the location is situated within a distance of ten miles in a straight line from the nearest corner of the location to the office of the recorder to which application is made, within fifteen days of the staking; or
- (b) if the location is situated more than ten miles in a straight line from the location to the office of the recorder to which application is made, within a period of fifteen days from the date of the staking plus one day for each ten miles or fraction thereof of such distance beyond the first ten miles.

(2) If the last day for making application falls on a Sunday or upon a day on which the office of the recorder is not open to receive applications, the application may be made on the next day such office is open.

(3) An application made after the period fixed by these regulations shall not be considered.

11. In the case of any dispute as to the time of staking a location, entitlement shall be recognized according to the priority of the placing of the post or tube, at the northeast corner, subject to any questions as to the validity of the record itself, and subject to the applicant having complied with all the terms and conditions of these regulations.

Application for Lease

12. (1) A person may apply for a lease by filing with the recorder an application in Form A.

(2) Such application shall be accompanied by

- (a) a fee of five dollars;
- (b) a sketch of the location; and
- (c) the amount of the rental for the first year of the lease.

13. Upon receipt of an application for a lease, the recorder may cause the location to be inspected and if satisfied that the application is in order shall forward such application to the Chief of the Lands Division.

14. (1) The Minister may in such form as he determines issue a lease of a location for a term of twenty-one years at an annual rental of one dollar per acre payable yearly in advance.

(2) A lease is renewable for a further term of twenty-one years where the lessee furnishes evidence satisfactory to the Minister to show that

Territorial Lands Act—continued

during the term of the lease he has complied with the conditions of such lease, and may be renewed for additional periods of twenty-one years subject to the regulations at that time in force.

15. In addition to the annual rental a lessee shall pay annually a royalty at a rate to be fixed by the Minister with the approval of the Governor in Council.

16. A lessee shall not assign, transfer or sublet the rights granted by his lease or any part thereof without the consent in writing of the Minister.

17. A lessee shall not mine or excavate within sixty feet from a boundary line of the location leased to him.

18. (1) A lessee is entitled to the coal upon or in the land included in such lease, and has the right to enter upon and use and occupy the surface of such location or such portion thereof and to such extent as the Minister considers necessary for efficient coal mining operations but for no other purpose.

(2) A lessee shall compensate the owner or lawful occupant of the surface rights for any loss or damage caused by the coal mining operations of the lessee.

19. Within one month following the last day of each year of the term of the lease, a lessee shall submit to the recorder a sworn statement showing the amount of coal extracted and removed during the year from the location under lease, and shall pay the amount of accrued royalties to the recorder.

20. (1) A lessee shall commence active operations on his leasehold within one year following the day he is notified by the Minister to commence operations and shall produce from such operations the quantity of coal specified in the said notification.

(2) Such notification shall not be given until the expiration of at least one year from the commencement date of the lease and shall set out the quantity of coal which the lessee is required to mine and produce at the pit's mouth ready for shipment, which quantity, however, may be increased from time to time, upon thirty days' notice to that effect being given to the lessee, but in no case shall the maximum quantity required to be mined exceed ten tons per annum for each acre leased.

(3) Where operations are not commenced within the time specified in the notice or where the required quantity of coal is not mined during each year, the lease shall be subject to cancellation in the discretion of the Minister.

21. (1) Subject to this section, no person shall stake or acquire a lease of more than one location, except by assignment.

(2) A person who has been granted a lease for a location and who has paid all amounts due the Crown in respect of the area under lease including amounts due for rent or royalty,

(a) to the date of consent to the assignment by the Minister pursuant to section 16, may assign the lease; or

(b) to the date the Minister is notified in writing of the proposed abandonment, may abandon the lease.

Territorial Lands Act—continued

(3) A person who has been granted a lease for a location and who subsequently assigns or abandons the same, pursuant to subsection (2), may, after the expiration of twelve months from the commencement date of the said lease, stake another location.

22. (1) Where a lessee holds a lease of a location acquired by assignment or otherwise under the provisions of these regulations, on land situated more than ten miles from a railway when the lease was issued, and where the lessee can show that he has expended in actual prospecting and developing operations on such location by recognized methods during any year, prior to railway communication with any such location having been established, an amount equal to or in excess of the prescribed yearly rental of such location, the Minister, upon proof satisfactory to him that such expenditure was incurred for the purpose and in the manner specified, may waive payment of the rental for the year of the term during which such expenditure may be shown to have been incurred, or in case the rental has already been paid, he may apply such payment or such portion thereof as to him seems reasonable on account of future payments of the rental of any such location, such expenditure, however, shall not be accepted as rental for a total of more than five years during the term of any lease.

(2) Where a lessee holds leases on two or more adjoining locations, any amount expended on actual prospecting and developing operations on one or more of such locations, not otherwise applied in respect of rental, may, with the approval of the Minister, be applied against rental due on any other such location, to the same extent as if such operations had been performed on such other location.

Application for Permit

23. (1) A person may apply for a permit by filing with the recorder an application in Form B.

(2) Subject to section 24, each application for a permit shall be accompanied by,

- (a) a fee of one dollar;
- (b) a payment of estimated royalty on the quantity of coal to be mined under the permit; and
- (c) a sketch of the location.

24. (1) Where a recorder is satisfied that an applicant for a permit has complied with the regulations respecting staking of the location and that the permit should be issued, he shall issue a permit to the applicant in Form C.

(2) A permit issued to

- (a) a department of the Government of Canada;
- (b) a municipal district, a local improvement district or a municipality; or
- (c) an educational, religious or charitable institution;

shall be issued free of charge and shall authorize the applicant to mine a quantity of coal not exceeding one hundred tons of two thousand pounds each for the applicant's own use, without payment of any royalty.

Territorial Lands Act—continued

25. Subject to these regulations, a permittee is entitled

- (a) to enter upon the surface of the location covered by his permit, or such portion thereof and to such extent as the Minister may consider necessary for efficient coal mining and for no other purpose; and
- (b) to mine the quantity of coal set out in his permit subject to payment of a royalty on the merchantable output of the mine of twenty-five cents per ton of two thousand pounds or such other royalty as may be fixed from time to time by the Minister with the approval of the Governor in Council.

26. (1) A permit expires upon the 31st day of March next following the date of issue, and within one month thereafter the permittee shall furnish the recorder with a statement of the amount of coal taken under such permit in Form D.

(2) Where the amount of coal taken under the permit is less than that authorized by the permit, any excess royalty shall be refunded to the permittee.

27. Where a permittee wishes to obtain a further permit covering the same location for the ensuing year, he may at any time prior to expiry of his current permit, apply to the recorder for a further permit, and where satisfied that the permittee has complied with all applicable provisions of these regulations and of his current permit the recorder may, upon receipt of the required fee and estimated royalty, if any, issue a further permit, without requiring such permittee to restake such location.

28. (1) An agent of territorial lands or a member of the Royal Canadian Mounted Police stationed in the area may, where it appears to him that the operations of any permittee are being carried on in an unsafe or improper manner, direct that such operations be suspended forthwith until such time as he is satisfied that such operations can be carried on in a satisfactory manner.

(2) Every such suspension shall be reported immediately to the Chief of the Lands Division.

29. No person shall apply for, or hold, at one time, more than one location under permit.

30. The boundaries beneath the surface of a location shall be the vertical planes or lines in which their surface boundaries lie.

31. A recorder or other person designated by him may enter upon any land under lease or permit or the workings thereon, examine all records and books of account of the lessee or operator of such location, and make such other examination as may be deemed necessary.

32. Where default is made in payment of royalty or in furnishing statements or returns required by these regulations and the default continues for thirty days after notice demanding payment has been posted at the mine or conspicuously on the property in respect of which it is demanded or sent to the lessee or the permittee by registered mail to his last recorded address, the lease or permit may be cancelled.

33. Where the Minister is of the opinion that a lessee or permittee has defrauded or attempted to defraud the Crown by withholding the

Territorial Lands Act—concluded

royalty or any part thereof or has made false statements in any return or statement furnished by him, the Minister may cancel the lease or permit.

Indians and Eskimos

34. In isolated portions of the Northwest Territories and Yukon Territory, Indians and Eskimos who apply for permission to mine small quantities of coal may be granted permission so to do by an agent of territorial lands or a member of the Royal Canadian Mounted Police stationed in the area, free of charge, without being required to make application under the provisions of these regulations.

Schedule

FEES

Application for lease or renewal.....	\$5.00
Annual rental per acre under lease.....	1.00
Registration of assignment of lease.....	3.00
Application for permit.....	1.00

Forms

Copies of the forms contained in the Schedule may be obtained on application to the Director, Northern Administration and Lands Branch, Department of Northern Affairs and National Resources, Ottawa.

TIMBER MARKING ACT. (R.S.C., 1952, c. 265)

Timber Marking Rules

P.C. 1954-1856

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Secretary of State and pursuant to the Timber Marketing Act, is pleased to order as follows:

1. The Timber Marking Rules, established by Order in Council P.C. 5175 of 10th November, 1948, are hereby revoked; and
2. The annexed "Timber Marking Rules" are hereby approved and established in substitution for the Rules hereby revoked.

THE TIMBER MARKING RULES

1. These rules may be cited as the *Timber Marking Rules*.
2. An application to register a timber mark shall be in duplicate in Form A, shall be prosecuted by correspondence and shall be addressed to "The Commissioner of Patents, Ottawa, Canada".

Timber Marking Act—concluded

3. Correspondence on the subject of an application, except correspondence concerning assignments or other documents of title,

(a) shall relate to that application only, and

(b) shall be conducted only by the applicant or his agent duly authorized in writing.

4. (1) Any document, other than a drawing relating to a timber mark, shall be clearly and legibly typewritten or printed on sheets of white paper of a quality satisfactory to the Commissioner, 8 inches wide and 13 inches long, with a clear margin of 1 inch on the left-hand side.

(2) One of the copies of a typewritten document submitted to the Commissioner shall be the ribbon copy.

5. (1) Drawings deposited shall be on sheets of good quality pure white paper or tracing cloth that is 8 inches wide and 13 inches long, and views shall be clearly drawn in black lines on a sufficiently large scale to be easily read.

(2) Neither the title of the timber mark nor any descriptive matter shall appear on any part of a drawing sheet, but each sheet may bear in the lower right-hand corner the signature of the applicant or his agent.

6. (1) An assignment presented for registration against a registered timber mark shall be the original document or a typed or printed copy thereof certified before a notary public to be a true copy.

(2) If an assignment is accompanied by a duplicate or a notarially certified copy thereof, the duplicate or copy shall be returned by the Commissioner with a certificate of registration, but if an assignment is not so accompanied the Commissioner shall notify the person who presented it for registration of the number and date under which and of the timber mark against which it has been registered.

TRADE MARKS ACT. (1952-53, c. 49)**Trade Marks Rules**

P.C. 1954-692

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 6th day of May, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Secretary of State and by virtue of the powers conferred by section 64 of the Trade Marks Act, is pleased to order as follows:

1. The Trade Marks Registration Regulations established by Order in Council P.C. 3219 of 20th July, 1948, are hereby revoked, effective July 1, 1954; and

2. The annexed "Trade Marks Rules" are hereby made and established, effective July 1, 1954, in substitution for the regulations hereby revoked.

Trade Marks Act—continued

TRADE MARKS RULES

Short Title

1. These regulations may be cited as the *Trade Marks Rules*.

Interpretation

2. In these regulations

- (a) “the Act” means the Trade Marks Act;
- (b) “applicant” means the original applicant or the transferee last recognized under rule 58;
- (c) “Journal” means the Trade Marks Journal published in accordance with rule 17;
- (d) “trade mark agent” means a person whose name is on the register of trade mark agents referred to in rule 21.

Correspondence

3. Communications to the Registrar shall be addressed to “The Registrar of Trade Marks, Ottawa, Canada”.

4. (1) Applications shall be prosecuted by correspondence and, unless requested by the Registrar, the personal attendance of an applicant at the Trade Marks Office is not necessary.

- (2) No regard shall be had to any oral representation or statement not confirmed by letter.

5. Each communication addressed to the Registrar shall deal with only one subject.

6. Every address required to be furnished shall be a complete post office address and shall include a street name and number where possible.

7. (1) Correspondence relating to an application for the registration of a trade mark shall include the name of the applicant and the number of the application.

- (2) Correspondence relating to a registered trade mark shall identify it by the number of its registration.

8. (1) Correspondence on the subject of an application for the registration of a trade mark or for the registration of a person as a registered user of a trade mark shall be conducted with the applicant himself, unless a trade mark agent

- (a) signed the original application as the applicant’s agent;
- (b) transmitted the original application to the Trade Marks Office as the applicant’s agent;
- (c) is appointed as the applicant’s agent in the original application or an accompanying document; or
- (d) is subsequently appointed as the applicant’s agent, in which case correspondence shall, subject to subrule (2) and rule 11, be conducted with such trade mark agent as long as the authority continues.

- (2) If the trade mark agent described in subrule (1) appoints another trade mark agent as associate or substitute agent, correspondence shall then be conducted with such other trade mark agent.

Trade Marks Act—*continued*

9. Every trade mark agent not resident in Canada shall, upon becoming the agent of an applicant in respect of an application, appoint a trade mark agent resident in Canada as his associate agent, and if he fails to do so within a time specified by the Registrar in a notice to him, the Registrar shall conduct further correspondence with the applicant.

10. The provisions of rules 8 and 9 apply *mutatis mutandis* to oppositions.

11. The appointment of a trade mark agent need not be in writing but the Registrar may require a trade mark agent to file within a specified time a written authorization from the person or firm whom he claims to represent and, upon his failure to file the authorization within the specified time, may give notice accordingly to such person or firm, and shall, subject to rule 8, conduct further correspondence with the person or firm so notified until a written authorization is filed.

General

12. In response to any inquiry, the Registrar shall not furnish any information the giving of which requires a search of his records or express any opinion which concerns the interpretation of the Act or these regulations or the registrability of any trade mark not the subject of a pending application for registration.

13. Fees shall be paid to the Registrar in accordance with the tariff contained in Schedule I, and remittances therefor shall be made payable to the Receiver General of Canada.

14. Except as otherwise provided herein, all documents filed in the Trade Marks Office shall be typewritten on one side only of strong white paper of a size not exceeding 8 inches by 13 inches with left hand and upper margins of at least 1 inch.

15. The forms set out in Schedule II and the instructions for their completion shall be followed in all cases where they are applicable.

16. There shall be a seal of the Trade Marks Office which the Registrar shall impress on certificates issued by him.

Journal

17. The Registrar shall cause to be published weekly a Trade Marks Journal containing

- (a) every advertisement made pursuant to subsection (1) of section 36 of the Act;
- (b) particulars of every registration of a trade mark made or extended under the Act;
- (c) particulars of every registration of a registered user made or varied under the Act;
- (d) particulars of his rulings required to be published under section 63 of the Act;
- (e) every public notice by him under section 9 of the Act, and
- (f) such other notices and material as he may deem advisable for the efficient administration of the Act and these regulations.

Trade Marks Act—continued

18. Every advertisement of an application pursuant to subsection (1) of section 36 of the Act shall include

- (a) the trade mark claimed by setting out the word or words if not depicted in a special form, or, otherwise, by reproducing the drawing submitted in support of the application, together in either case with a note of any disclaimer;
- (b) the name and address of the applicant and of any transferee or transferees of the applicant and the name and address of the representative for service, if any, of the applicant or last transferee;
- (c) the date of the actual filing of the application and the date of priority, if any, claimed under section 33 of the Act;
- (d) a summary of the information furnished by the applicant pursuant to paragraphs (a), (b), (c), (d) and (g) of section 29 of the Act, and if the application is for a proposed trade mark or a certification mark or a distinguishing guise, a note to that effect;
- (e) if the benefit of either subsection (2) of section 12 or of section 14 of the Act has been claimed, a note to that effect, and
- (f) such other information as the Registrar may deem fit.

19. The particulars published in the Journal of every registration of a trade mark made or extended under the Act shall include

- (a) the number and date of the registration;
- (b) the wares and services;
- (c) the name and address of the registrant;
- (d) the application number, and
- (e) the issue number and date of the issue of the Journal in which the application was advertised.

20. The particulars published in the Journal of every registration of a registered user made or varied under the Act shall include

- (a) the date of the registration;
- (b) the wares and services for which the registration has effect;
- (c) a summary of the conditions and restrictions subject to which the registration has effect;
- (d) the name and address of the registered user, and
- (e) the number and date of the registration of the trade mark.

Trade Mark Agents

21. The Registrar shall upon written request enter on a register of trade mark agents the name of

- (a) any person resident in Canada who establishes to the satisfaction of the Registrar that he is of good character and was engaged in the filing and prosecution of applications for registration of trade marks in Canada as agent before the coming into force of these regulations and who applies to have his name entered on the register before July 1, 1955.
- (b) any person who satisfies the Registrar that he is a barrister, solicitor or advocate entitled to practise as such in any province of Canada, or is a notary entitled to practise his profession under the laws of the Province of Quebec;

Trade Marks Act—*continued*

- (c) any person resident in Canada who
 - (i) has been employed for two years in the preparation and prosecution of trade mark applications under the personal supervision and direction of a trade mark agent or of a person subsequently registered as such under clause (a),
 - (ii) satisfies the Registrar that he is of good character and
 - (iii) passes the prescribed qualifying examination relating to trade mark law and practice including the preparation and prosecution of applications for registration of trade marks;
- (d) any person resident in any part of the Commonwealth other than Canada who satisfies the Registrar that he is registered with and in good standing before the Trade Marks Office of his country of residence;
- (e) any person resident in the United States of America who satisfies the Registrar that he is entitled to recognition as an attorney or agent in trade mark matters before the United States Patent Office, and
- (f) any firm of which the name of at least one partner is entered on the register.

22. (1) Any person shall be recognized as a candidate for the qualifying examination when he has served the prescribed period of employment less six months.

(2) Any person who wishes to be a candidate for the qualifying examination shall submit to the Registrar an affidavit or statutory declaration by each trade mark agent under whose direction and supervision he was employed during the required period setting out fully the nature of the work done by him from time to time during such employment.

23.(1) The qualifying examination referred to in rule 22 shall be conducted by an examining board composed of the Registrar, a second member nominated from among trade mark agents by the Council of the Patent Institute of Canada and approved by the Registrar, and a third member chosen by agreement of the said two members or, in the absence of such agreement, named by the Under Secretary of State. The affirmative vote of two members of the board shall be necessary to pass a candidate.

(2) The third member of the board shall serve for a term of three years and the second member for a term of two years.

(3) If any member of the board other than the Registrar is unable to act an alternate for him shall be promptly appointed in the same manner as he was himself appointed, and if the Registrar is unable to act he shall appoint an alternate for himself.

24. (1) If on or before the 1st day of July in any year at least one candidate has notified the Registrar of his desire to take a qualifying examination and has paid the examination fee, such an examination shall be held during the month of October following.

(2) If a qualifying examination is to be held, the Registrar shall give notice in the first three issues of the Journal after the 20th day of July of the date fixed for the holding of such examination, and an examination of which such notice has been given may be taken by any candidate who, not less than one month before the date fixed for the holding thereof, notifies the Registrar of his desire to take the examination and pays the examination fee.

Trade Marks Act—continued

(3) The Registrar shall designate the place or places in Canada where the examination will be held, and shall notify the candidates accordingly by registered letter despatched not less than two weeks before the date fixed for the holding of the examination.

25. (1) Between the 1st day of January and the 1st day of April in every year

- (a) every person whose name appears on the register as a resident of Canada shall pay the annual registration fee;
- (b) every person not resident in Canada whose name is entered on the register by virtue of his being registered before the Trade Marks Office of his country of residence shall file a statement signed by him giving his country of residence and stating whether he is still registered with and in good standing before the Trade Marks Office of such country, and
- (c) every firm the name of which is entered on the register shall file a statement, signed by a partner thereof whose own name is on the register, setting out all the partners of the firm whose names appear on the register.

(2) If any such person or firm fails to comply with subrule (1), the Registrar shall send such person or firm a first notice by registered mail requiring that, within two months from its date, the appropriate action required by subrule (1) be taken and the prescribed fee for such notice be paid.

(3) If any such person or firm fails to comply with the first notice, the Registrar shall send such person or firm a second notice by registered mail stating that, unless the required action is taken and the notice fee is paid within one month from the date of the second notice, the name of such person or firm will be removed from the register; and the Registrar shall remove the name of such person or firm from the register unless the required action is taken and the notice fee is paid by such person or firm within such time.

(4) The name of any person or firm which has been removed from the register in accordance with subrule (3) may be reinstated thereon without compliance with the requirements of rule 21 on petition presented to the Registrar within one year after the date on which it was removed and on payment of the prescribed reinstatement fee, if, the petitioner satisfies the Registrar that the failure to take the action required by subrule (1) and to pay the notice fee provided in subrule (2) was not reasonably avoidable.

26. (1) No person is entitled to have his name remain on the register unless he continues to have the qualifications, including that of residence, by virtue of which his name was entered on the register.

(2) No firm is entitled to have its name remain on the register unless the name of at least one person who is a partner in such firm is on the register.

Application for Registration

27. A separate application shall be filed for the registration of each trade mark, but a single application is sufficient though the trade mark is used, made known or proposed to be used in association with both wares and services.

Trade Marks Act—continued

28. The date on which the Registrar has received in respect of a trade mark at least

- (a) an application executed by the applicant or a trade mark agent or another person on the applicant's behalf and containing the following information
 - (i) the wares or services in association with which the trade mark has been or is proposed to be used,
 - and, except in the case of a proposed trade mark,
 - (ii) the date of first use or making known of the trade mark in Canada, or
 - (iii) the name of a country in which the trade mark has been used and information as to a registration or application for registration in a specified country of the Union on which the right to registration is based,
- (b) the application fee, and
- (c) if the trade mark is other than a word or words not depicted in a special form, either a drawing or a specimen of the trade mark,

is, subject to section 33 of the Act, the date of filing of an application for registration of such trade mark, and the Registrar shall forthwith enter the filing date and shall number and index the application.

29. No request for registration of a trade mark shall be open to public inspection before it has been numbered and indexed.

30. (1) A complete application for registration of a trade mark consists of

- (a) a completed application form executed by the applicant or a trade mark agent or another person on the applicant's behalf;
- (b) a written authorization from the applicant if the application is signed by a person other than the applicant or a trade mark agent;
- (c) the application fee, and
- (d) if the trade mark is other than a word or words not depicted in a special form,
 - (i) a drawing of the trade mark as prescribed by rule 32, in quadruplicate, and
 - (ii) three specimens of the trade mark as prescribed by rule 33.

(2) In the case of a proposed trade mark the specimens required by subclause (ii) of clause (d) of subrule (1) shall be filed with the declaration of the commencement of use of the trade mark required by subsection (2) of section 39 of the Act.

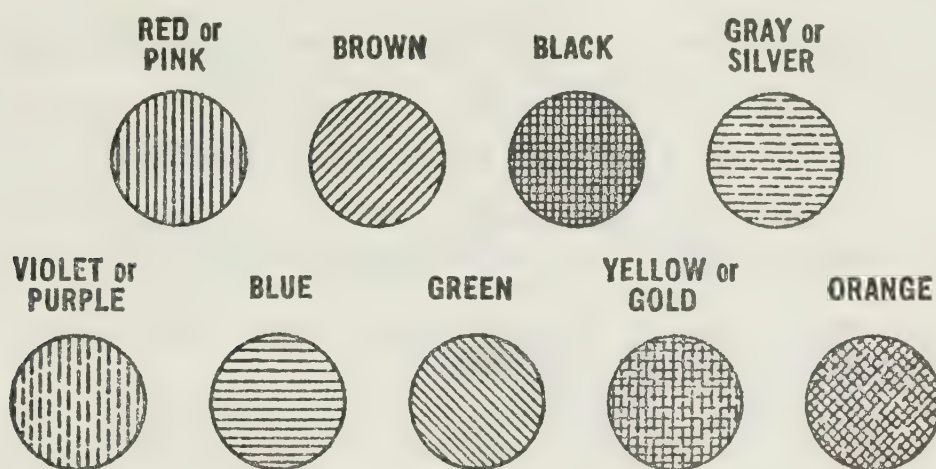
31. The provisions of rule 28 except clause (c) and of rule 30 except clause (d) apply to an application to extend the statement of wares or services in respect of which a trade mark is registered.

32. (1) The drawing of a trade mark required by rule 30 need not be in pen and ink but shall be in black and white on a sheet of a size of $2\frac{3}{4}$ inches by $2\frac{3}{4}$ inches.

(2) The Registrar may by notice require an applicant to file a new drawing in any case in which, in the opinion of the Registrar, the drawing on file is not suitable for reproduction in the Journal.

Trade Marks Act—continued

(3) If colour is claimed as a feature of the trade mark, the colour of the mark or of its elements shall be described, and if in any case such description is not clear the Registrar may by notice require the applicant to file a drawing lined for colour in accordance with the following colour chart



33. (1) The specimens required by rule 30 shall be actual labels, containers or displays showing the trade mark as used, of paper or other material acceptable to the Registrar and arranged flat to his satisfaction in a size not exceeding 8 inches by 13 inches.

(2) If actual labels, containers or displays do not comply with subrule (1), the specimens shall be photographs or other reproductions acceptable to the Registrar of actual wares, labels, containers or displays showing the trade mark as used.

(3) If specimens complying with subrule (1) or (2) cannot, from the nature of the case, be furnished, appropriate specimens as designated by the Registrar shall be filed.

34. The Registrar may require an applicant for registration of a trade mark to furnish him for indexing purposes with a description of the trade mark and a translation into English or French of any words in any other language appearing in the trade mark.

Amendment of Applications for Registration

35. Except as provided in rules 36 and 37 an application may be amended, either before or after advertisement.

36. An application for the registration of a trade mark may not be amended at any time

- (a) to change the identity of the applicant, except after recognition of a transfer by the Registrar;
- (b) to change the trade mark except in respects which do not alter its distinctive character or affect its identity;
- (c) to change a date of first use or making known in Canada of the trade mark to an earlier date, except on evidence satisfactory to the Registrar that the change is justified by the facts;
- (d) to change the application from one not alleging use or making known of the trade mark in Canada before the filing of the application to one alleging such use or making known, or
- (e) to extend the statement of wares or services.

Trade Marks Act—continued

37. An application for the registration of a trade mark may not be amended after advertisement

(a) to change the trade mark; or

(b) to change a date of first use or making known in Canada of the trade mark.

38. The Registrar may, by certificate, correct any error in any instrument of record which he is satisfied is a clerical error.

Advertisement of Applications for Registration

39. (1) Where the Registrar is not satisfied that an application should be refused under subsection (1) of section 36 of the Act he shall give written notice to the applicant that the application will be advertised upon receipt of a written request for advertisement and of the prescribed fee within the time specified in the notice.

(2) Upon the filing of the request for advertisement and payment of the prescribed fee the Registrar shall advertise the application in the Journal.

Opposition

40. Every statement of opposition shall be filed with the Registrar in duplicate.

41. Within one month after the date on which the Registrar has forwarded to the applicant a copy of a statement of opposition pursuant to subsection (5) of section 37 of the Act, the applicant may file a counter statement with the Registrar and, if he does, shall serve a copy upon the opponent.

42. No amendment to a statement of opposition or counter statement shall be allowed except with leave of the Registrar upon such terms as he may think fit.

43. Within one month after the service of the counter statement, the opponent shall file with the Registrar such evidence by way of affidavit or statutory declaration as he may desire to adduce in support of his opposition or a statement that he desires to adduce no evidence, and shall serve upon the applicant a copy of such evidence or statement, as the case may be.

44. If the opponent fails to file and serve the evidence or statement provided for in rule 43, he shall be deemed to have abandoned his opposition, but if he does file and serve such evidence or statement, then within one month after such service, the applicant shall file with the Registrar such evidence by way of affidavit or statutory declaration as he desires to adduce in support of his application or a statement that he desires to adduce no evidence, and shall serve upon the opponent a copy of such evidence or statement, as the case may be.

45. Within one month after the service upon the opponent of the applicant's evidence referred to in rule 44, the opponent may file with the Registrar evidence, by way of affidavit or statutory declaration, strictly confined to matter in reply, and shall serve a copy thereof upon the applicant.

Trade Marks Act—continued

46. (1) No further evidence shall be adduced by any party except with leave of the Registrar upon such terms as he may think fit.

(2) At any time before the Registrar gives a notice in accordance with subrule (1) of rule 48, he may, on the application of any party and on such terms as he may direct, order the cross-examination under oath of any affiant or declarant on his affidavit or declaration which has been filed with the Registrar.

(3) Any cross-examination ordered under subrule (2) shall be held before a person agreed upon by the parties or, in the absence of agreement, designated as examiner by the Registrar.

(4) A transcript of the cross-examination shall be filed with the Registrar by the party carrying the order within the time fixed by the order.

(5) If an affiant or declarant fails to attend for cross-examination before the examiner, his affidavit or declaration which is the subject of the order made under subrule (2) shall be deemed not to be part of the evidence.

47. Every exhibit to an affidavit or declaration filed in an opposition shall be filed with the affidavit or declaration and be open to inspection at the Trade Marks Office, and a copy, photograph or sample of such exhibit shall be sent to the other party at his request and expense unless the Registrar otherwise directs.

48. (1) Not less than fourteen days after completion of the evidence the Registrar shall give the parties written notice that they may, within one month after the date of his notice, file with him written arguments.

(2) No written argument shall be filed after the expiration of the said period of one month except with leave of the Registrar.

(3) Written arguments, if any, shall be filed in as many copies as there are parties, and at the expiration of the said period of one month the Registrar shall forward by registered mail a copy of any argument filed to every other party.

(4) Any party who desires to be heard by the Registrar shall give him written notice accordingly within fourteen days after the expiration of the said period of one month, and upon receipt of such notice the Registrar shall give the parties a written notice of hearing for a date specified therein.

49. Where in opposition proceedings any extension of time is granted to any party, the Registrar may thereafter, if he thinks fit, grant any reasonable extension of time to any other party in which to take any subsequent step.

50. (1) Any statement or other material required or permitted to be served upon or forwarded to a party to opposition proceedings pursuant to section 37 of the Act or these regulations may be served upon or forwarded to such party or his trade mark agent or representative for service either personally or by prepaid registered mail addressed to the appropriate address in Canada appearing in the statement of opposition or application, as the case may be.

(2) When service or forwarding is effected by prepaid registered mail, it is deemed to be effected on the date when it is mailed.

Trade Marks Act—continued*Registered User*

51. An application for the registration, under section 49 of the Act, of a person as a registered user of a registered trade mark shall be made by that person and the owner of the trade mark, and shall include the address of the proposed registered user's principal office or place of business in Canada, if any, and if the proposed registered user has no principal office or place of business in Canada, the address of his principal office or place of business abroad and the name and address in Canada of some person or firm to whom any notice in respect of his application or registration may be sent, and upon whom service of any proceedings in respect of his application or registration may be given or served with the same effect as if they had been given to or served upon him.

52. Notice in writing of the registration of a person as a registered user shall be sent to such person, to the registered owner of the trade mark and to every other registered user whose name is entered in relation to the same registration of the trade mark, and particulars shall be published in the Journal.

53. An application by the registered owner of a trade mark for the variation of the registration of a registered user of that trade mark under subsection (9) of section 49 of the Act shall contain or be accompanied by a statement of the grounds on which it is made and, where the registered user consents, shall be accompanied by his written consent.

54. An application by the registered owner or the registered user of a trade mark for the cancellation of the registration of the registered user under paragraph (a) of subsection (10) of section 49 of the Act shall contain or be accompanied by a statement of the grounds on which it is made and, where the registered owner or the registered user consents, shall be accompanied by his written consent.

55. (1) The Registrar shall give written notice of applications under rules 53 and 54 to the registered owner and each registered user of the trade mark other than the applicant.

(2) Any person so notified who intends to intervene in the proceedings shall within one month after the date of such notice give the Registrar written notice of his intention together with a statement of the grounds of his intervention.

(3) The Registrar shall thereupon send copies of such statement to the other parties, so that the intervention may be known to the registered owner, the registered user whose registration is in issue, and any other registered user who intervenes.

(4) Any such party may, within such time or times as the Registrar may appoint, file evidence in support of his case, and the Registrar, after giving the parties an opportunity of being heard, may accept or refuse the application or accept it subject to any conditions, amendments, modifications or limitations he may think fit to impose.

56. The Registrar may, on request made by a registered user of a trade mark, correct any error or enter any change in the name, address or description of the registered user or of his representative for service.

Trade Marks Act—continued

57. (1) In the case of the registration of a registered user for a definite period, the Registrar shall cancel the entry of the registered user at the end of such period.

(2) Where the statement of wares or services in respect of which a trade mark is registered is amended by cancelling some of the wares or services, the Registrar shall at the same time correspondingly amend the registration of each registered user of such trade mark.

(3) The Registrar shall give written notice of every cancellation or amendment under this rule to the registered users whose permitted use is affected thereby and to the registered owner of the trade mark.

Transfer

58. (1) The Registrar shall recognize a transfer of a trade mark, which is the subject of an application for registration or is registered, upon receipt of a written request for such recognition and of

- (a) the original instrument of transfer or a copy thereof certified by a notary public or a public officer authorized to issue such a copy; or
- (b) if the Registrar is satisfied that the original instrument or a copy so certified is not available, other evidence of the transfer satisfactory to him;

and, in either case,

- (c) the information that would be required by paragraph (g) of section 29 of the Act in an application by the transferee to register the trade mark.

(2) Upon such recognition, the Registrar shall make appropriate entries with respect to the application or register the transfer, as the case may be.

59. (1) Where in consequence of a transfer of a trade mark which is the subject of an application for registration, such trade mark becomes owned by one person for use in association with some of the wares or services specified in the application and by another person for use in association with others of such wares or services, then, upon the Registrar's recognition of the transfer, each such person shall file an amendment of the application restricted to the wares or services for use in association with which he owns the trade mark.

(2) Each amendment referred to in subrule (1) shall be a continuation of the application so as to preserve the benefit of the date of filing of such application but otherwise shall be treated in all subsequent proceedings, as a separate application.

60. Where, in consequence of a transfer, a registered trade mark becomes owned by one person for use in association with some of the wares or services specified in the registration and by another person for use in association with others of such wares or services, then, upon the registration of such transfer, each such person for all purposes of the Act shall be deemed to be a separate registered owner of the trade mark for use in association with the wares and services with respect to which he has acquired or retained ownership, and for the purposes of section 45 of the Act shall be deemed to have a separate registration of the trade mark.

Trade Marks Act—continued*Register*

61. Pursuant to the provisions of paragraph (b) of subsection (2) of section 26 of the Act, the register shall show with reference to each registered trade mark a summary of the application for registration as allowed which shall include so much of the following information as is applicable:

- (a) the trade mark and any disclaimer with respect thereto;
- (b) the wares and services in respect of which registration has been requested and, in the case of a proposed trade mark, in respect of which the declaration of use in Canada required by subsection (2) of section 39 of the Act has been filed;
- (c) the number of the application for registration;
- (d) the date of filing of the application; also, if priority is claimed, the date of the actual filing of the application;
- (e) the date or dates of first use of the trade mark in Canada;
- (f) the date or dates of first making known of the trade mark in Canada, and
- (g) the country of origin of the applicant or his predecessor in title and the name of a country other than Canada in which the trade mark has been used.

62. Pursuant to the provisions of paragraph (f) of subsection (2) of section 26 of the Act, the register shall show with reference to each registered trade mark such other particulars as the Registrar may deem proper including so much of the following information as is applicable:

- (a) the territorial area to which the registration extends;
- (b) the number of the registration;
- (c) the number of each associated registration;
- (d) the name and address of the original registered owner;
- (e) the name and address of the agent for service of the original registered owner;
- (f) a notation disclosing whether registrability has been recognized under subsection (2) of section 12 or under section 13 or section 14 of the Act, and
- (g) the number, date and country of any registration abroad on which the registration is based.

63. The register shall show with reference to each registration of a registered user such particulars as the Registrar may deem proper, including;

- (a) the date of the registration;
- (b) the wares and services for which the registration has effect;
- (c) a summary of the conditions and restrictions subject to which the registration has effect;
- (d) the name and address of the registered user, and
- (e) the number and date of the registration of the trade mark.

Trade Marks Act—continued

Schedule

(See rule 13)

TARIFF OF FEES PAYABLE TO THE REGISTRAR

PART I

ON THE FILING OF:

1. An application for registration of a trade mark.....	\$25.00
2. An application for registration of a person as a registered user of a registered trade mark.....	20.00
3. An application for registration of a person as a registered user of two or more trade marks registered in the name of the same owner, where the conditions and restrictions are the same for the use of each trade mark:	
for the first trade mark.....	20.00
for each other trade mark.....	5.00
4. A request for advertisement of an application for registration of a trade mark.....	15.00
5. A statement of opposition.....	10.00
6. The evidence or statement under rule 43.....	15.00
7. An application to amend the registration of a trade mark by extending the statement of wares or services in respect of which the trade mark is registered.....	15.00
8. An application to amend the registration of a trade mark solely by correcting or changing the address of the registered owner or a registered user or the name or address of the representa- tive for service of either.....	1.00
9. An application to vary the registration of a person as a regis- tered user of a trade mark.....	5.00
10. Any other application to amend the registration of a trade mark	5.00
11 A request to the Registrar to recognize the transfer of a trade mark	5.00
12. An application for renewal of the registration of trade mark...	15.00
13. An application for despatch of a notice to the registered owner of a trade mark under section 43 or 44 of the Act.....	5.00
14. An application for extension of time under subsection (2) of section 46 of the Act.....	5.00
15. An application for transmission of an original file to the Exchequer Court of Canada.....	5.00

PART II

ON THE ISSUANCE OF:

16. A certificate of registration of a trade mark or of a transfer, or a certificate of renewal of the registration of a trade mark	No fee
17. A certificate of authenticity	\$1.00

Trade Marks Act—concluded

18. Any other certificate	\$ 2.00
19. Copies of or extracts from the register, or copies of certificates or of other documents, for each typewritten or photostatic sheet	0.50

PART III

TRADE MARK AGENTS:

20. On request to enter a name on the register of trade mark agents	\$ 5.00
21. Examination fee under rule 24	5.00
22. Annual registration fee under clause (a) of subrule (1) of rule 25	5.00
23. Notice fee under subrule (3) of rule 25	2.00
24. Reinstatement fee under subrule (4) of rule 25	5.00

Schedule II

Schedule II to the Trade Marks Rules contains the forms, which are as follows:

1. Application of Registration of a Trade Mark in use in Canada
2. Application for Registration of a Trade Mark made known in Canada
3. Application for Registration of a Trade Mark Registered and used Abroad
4. Application for Registration of a Proposed Trade Mark
5. Application for Registration of a Certification Mark used in Canada
6. Application for Amendment of a Registration otherwise than to extend the Statement of Wares or Services
7. Application for Amendment of a Registration to extend the Statement of Wares or Services
8. Statement of Opposition to an Application for Registration of a Trade Mark
9. Counterstatement to Opposition
10. Application for Registration of a Registered User
11. Application for Variation of a Registration of a Registered User as regards Wares, Services, Conditions or Restrictions
12. Application for Correction or Change of the Name, Address or Description of a Registered User or of his Representative for Service..
13. Application by the Owner or Registered User of a Trade Mark for the Cancellation of the Registration of such Registered User
14. Certificate of Registration of a Trade Mark
15. Certificate of Authenticity
16. Certificate of Renewal of the Registration of a Trade Mark

Copies of these forms may be obtained on application to Registrar of Trade Marks, Ottawa.

TRADE UNIONS ACT. (R.S.C., 1952, c. 267)

Trade Unions Regulations

P.C. 1954-1857

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 1st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State and pursuant to the Trade Unions Act, is pleased to order as follows:

1. The Trade Unions Registry Regulations, established by Order in Council P.C. 3175 of 16th July, 1948, are hereby revoked; and

2. The annexed "Regulations under the Trade Unions Act" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS UNDER THE TRADE UNIONS ACT

1. These regulations may be cited as the *Trade Unions Regulations*.

2. In these regulations,

(a) "Act" means the *Trade Unions Act*;

(b) "complete alteration of rules" means the substitution of an entire set of rules for the registered rules of a trade union, and

(c) "partial alteration of rules" means the addition of one or more new rules to the registered rules of a trade union or the substitution of one or more new rules for any of such registered rules.

3. (1) An application for the registration of a trade union shall be in Form 1.

(2) The general statement of receipts, funds, effects and expenditures of a registered trade union required by section 13 of the Act shall be in Form 2.

(3) The copy of the new rules and alterations of rules required by section 14 of the Act shall be in Form 3.

(4) The statement showing the changes of officers made by a trade union required by section 14 of the Act shall be in Form 4.

4. Upon receiving an application for the registration of a trade union that is already in operation, the Registrar, if he has reason to believe that the applicants have not been duly authorized by the trade union to make the application, may, for the purpose of ascertaining the fact, require from the applicants such evidence as he deems necessary.

5. The certificate of registry shall be delivered to the applicants on payment of four dollars.

6. Documents transmitted to the Registrar relating to a registered trade union may be inspected by any person on payment of a fee of twenty-five cents.

Trade Unions Act—concluded

7. (1) Where

(a) a trade union ceases to be a trade union as defined in section 2 of the Act, or

(b) the registration of a trade union is void under section 6 of the Act, the Registrar may cancel the certificate of registry of such trade union.

(2) At least two months before cancelling a certificate of registry under paragraph (a) of subsection (1), the Registrar shall send by registered mail a notice to the trade union at its last known address setting out briefly the grounds for the proposed cancellation of its certificate of registration.

(3) At the request of a trade union, evidenced in such manner as the Registrar may request, the Registrar may withdraw its certificate of registration.

8. (1) An application for a partial alteration of rules shall be in Form 5 and shall be accompanied by

(a) an affidavit or statutory declaration in Form 6 of an officer of the trade union stating that in making the alteration the rules of the trade union were complied with,

(b) two copies, marked "O", of the new rules proposed to be added or substituted, and

(c) one copy of the old rules proposed to be replaced.

(2) The Registrar shall not register a partial alteration of rules unless the rules of the trade union, if altered as proposed, meet all the requirements of the Act respecting rules of a registered trade union.

(3) Upon registering a partial alteration of rules, the Registrar shall issue a certificate of registry of alteration of rules in Form 7, and shall, on receipt of a fee of two dollars, deliver it to the applicant and attach thereto one copy of the new rules that were added or substituted.

9. (1) An application for a complete alteration of rules shall be in Form 8 and shall be accompanied by

(a) an affidavit or statutory declaration in Form 6 of an officer of the trade union stating that in making the alteration the rules of the trade union were complied with, and

(b) two copies, marked "P", of the new set of rules.

(2) The Registrar shall not register a complete alteration of rules unless the rules, if altered as proposed, meet all the requirements of the Act respecting rules of a registered trade union.

(3) Upon registering a complete alteration of rules, the Registrar shall issue a certificate of registry of alteration of rules in Form 9, and shall, on receipt of a fee of two dollars, deliver it to the applicant and attach thereto one copy of the new set of rules.

Forms

Copies of the forms contained in the Schedule may be obtained on application to the Director, Companies Division, Department of the Secretary of State, Ottawa.

TRANSPORT ACT. (R.S.C., 1952, c. 271)

The orders and rulings of the Board of Transport Commissioners, which by statute is a court of record, have been exempted from the operation of section 3, section 4, subsection (1) of section 6 and section 7 of the Regulations Act. Copies of orders and rulings of the Board may be obtained on application to the Secretary, Board of Transport Commissioners, Ottawa.

TREATIES OF PEACE (ITALY, ROUMANIA, HUNGARY AND FINLAND) ACT, 1948 (1948, c. 71)

	Page
1. <i>Treaties of Peace (Italy, Roumania, Hungary and Finland) Regulations</i>	2855
2. <i>War Claims (Italy) Settlement Regulations</i>	2856

1. Treaties of Peace (Italy, Roumania, Hungary and Finland) Regulations

P.C. 2995

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 16th day of June, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS, section 3 of the *Treaties of Peace (Italy, Roumania, Hungary and Finland) Act, 1948*, authorizes the Governor in Council to make such orders or regulations as appear to him to be necessary for carrying out the treaties, and for giving effect to any of the provisions thereof.

NOW THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs and by virtue of the authority conferred by *The Treaties of Peace (Italy, Roumania, Hungary and Finland) Act, 1948*, is pleased to make the following regulations and they are hereby made accordingly:—

REGULATIONS

- (i) These Regulations may be cited as the *Treaties of Peace (Italy, Roumania, Hungary and Finland) Regulations*.
- (ii) In these regulations "treaty" means a treaty of peace signed at Paris on the tenth day of February, 1947.
- (iii) Insofar as they are by their nature capable of having effect as law in Canada,
 - (a) Articles 76, 80 and Parts A, C and D of Annex XVI of the treaty between Canada and Italy;
 - (b) Article 30 and Parts A, C and D of Annex V of the treaty between Canada and Roumania;
 - (c) Article 32 and Parts A, C and D of Annex V of the treaty between Canada and Hungary; and
 - (d) Article 29 and Parts A, C and D of Annex V of the treaty between Canada and Finland,
 have the force of law in Canada.

**Treaties of Peace (Italy, Roumania, Hungary and Finland) Act,
1948—continued**

2. War Claims (Italy) Settlement Regulations

P.C. 1954-1723

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the *Treaties of Peace (Italy, Roumania, Hungary and Finland) Act, 1948*, is pleased to order as follows:

1. The War Claims (Italy) Settlement Regulations, established by Order in Council P.C. 5818 of 6th November, 1951, as amended, are hereby revoked; and

2. The annexed "War Claims (Italy) Settlement Regulations" are hereby made and established in substitution for the regulations hereby revoked.

WAR CLAIMS (ITALY) SETTLEMENT REGULATIONS

1. These regulations may be cited as the *War Claims (Italy) Settlement Regulations*.

2. (1) In these regulations,

- (a) "Canadian citizen" means a person who, on the 15th day of September, 1947 (the date of coming into force of the Peace Treaty) was a Canadian citizen; and
- (b) "Peace Treaty" means the Treaty of Peace between Canada and Italy signed at Paris on the 10th day of February, 1947, and approved by *The Treaties of Peace (Italy, Roumania, Hungary and Finland) Act, 1948*.

(2) Payment to Canada by Italy of the sum of 290 million lire in accordance with Article 1 of the note of the Secretary of State for External Affairs dated the 20th day of September, 1951, addressed to the Minister of Foreign Affairs of Italy and approved by Order in Council P.C. 5649 of 22nd October 1951, constitutes satisfaction by Italy of its obligations to Canada and Canadian nationals under the Peace Treaty with the exception of:

- (a) debts and bonds referred to in Article 2 of the said note;
- (b) the claims of Aluminium Limited or its Italian subsidiaries and of the Sir Alexander Mackenzie estate which will be dealt with separately in accordance with the relevant provisions of the Peace Treaty; and
- (c) claims under paragraph 6 of Article 78 of the said Peace Treaty.

3. (1) The Minister of Finance may pay any part of the said sum of 290 million lire to a Canadian citizen who establishes to the satisfac-

**Treaties of Peace (Italy, Roumania, Hungary and Finland) Act,
1948—concluded**

tion of the Minister of Finance that he is entitled to receive compensation under the Peace Treaty with Italy in respect of any claim not coming within the exceptions specified in subsection (2) of section 2, but the payment shall not exceed the amount that is payable to that person in accordance with the Peace Treaty.

(2) For the purposes of subsection (1), the amount of compensation to which a person is entitled under the Peace Treaty shall be determined on the basis of values existing on the day on which final payment was made to Canada by Italy of the sum of 290 million lire specified in section 2.

(3) Where a Canadian citizen has died on or after the 15th day of September, 1947, the Minister of Finance may pay to the personal representative of the deceased person or such other person as appears to the Minister of Finance to be entitled to the assets of the deceased person, any amount that he would have paid under subsection (1) to the deceased person if he had survived, but no payment shall be made under this subsection to a person who is not a United Nations National within the meaning of the Peace Treaty.

4. The payment to any person of an amount that the Minister of Finance designates as a final payment in respect of the claim of that person under the Peace Treaty constitutes full satisfaction of all claims of that person under the Peace Treaty.

5. No person shall receive a payment under this Order unless he has applied in writing to the Government of Canada on or before the 31st day of December, 1951.

6. (1) In administering these regulations the Minister of Finance may refer any matter to an advisory commissioner to be appointed by the Governor in Council, called the "Advisory Commissioner on Claims under the Treaty of Peace with Italy", hereinafter referred to as the "Commissioner" but the Minister of Finance is not bound by the findings and recommendations of the Commissioner.

(2) The Commissioner shall, if so requested by the Minister of Finance, inquire into and make reports and recommendations to the Minister of Finance concerning

- (a) the validity of claims by Canadian citizens under the Peace Treaty that do not fall within the exceptions specified in subsection (2) of section 2,
- (b) the amount to which a Canadian citizen is entitled under the Peace Treaty in respect of a claim that does not fall within the exceptions specified in subsection (2) of section 2, and
- (c) any other matter arising out of the administration of these regulations.

(3) The Commissioner shall have the powers of a commissioner appointed under Part I of the *Inquiries Act*.

(4) The Commissioner shall receive such remuneration as the Governor in Council determines and his remuneration and the expenses of the commission shall be paid out of moneys provided by Parliament.

UNEMPLOYMENT INSURANCE ACT. (R.S.C., 1952, c. 273)

	Page
1. <i>Unemployment Insurance Commission Regulations</i>	2858
2. <i>Unemployment Insurance Commission Special Orders</i>	2907

1. Unemployment Insurance Regulations

P.C. 1954-2064

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 31st day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Labour and pursuant to the Unemployment Insurance Act, is pleased to order as follows:

1. The Unemployment Insurance Commission Regulations, established by Order in Council P.C. 6126 of 13th December, 1949, as amended, are hereby revoked; and

2. The annexed "Unemployment Insurance Regulations", made by the Unemployment Insurance Commission on December 14, 1954, are hereby approved and established in substitution for the regulations hereby revoked.

UNEMPLOYMENT INSURANCE REGULATIONS

Part I

GENERAL

Title

1. These regulations may be cited as the *Unemployment Insurance Regulations*.

Interpretation

2. In these regulations,

- (a) "Act" means the Unemployment Insurance Act;
- (b) "claimant" means any insured person who applies for, or is in receipt of, benefit under the provisions of the Act and these regulations;
- (c) "Commission" means the Unemployment Insurance Commission, acting as a corporate body or through its authorized officers, as the case may be;
- (d) "contribution" means a daily contribution;
- (e) "court" means a court of referees constituted under the Act;
- (f) "Insurance contribution record" means an unemployment insurance book, an unemployment insurance card, an unemployment insurance contribution statement, an unemployment insurance adjustment form or a certificate of unemployment insurance contributions;

Unemployment Insurance Act—continued

- (g) "local office" means an office established by the Commission in any locality, and includes any office designated as such by the Commission and, in relation to an employer, the nearest local office servicing the area of his place of business and, in relation to any other person, the nearest local office to his residence;
- (h) "pay day" means the day on which any wages or earnings become payable to an employed person; and
- (i) "pay period" means the period in respect of which wages or earnings are payable to an employed person.

Notices by Mail

3. (1) Any notice, demand or other communication required to be sent by the Act or these regulations may be sent by mail by the Commission or any officer thereof.

(2) Such notice, demand or other communication which has been sent by mail to the last address given by the addressee or his last known address, shall be presumed, until the contrary is proven, to have been received by the addressee.

Posters

4. (1) Every employer who has one or more insured persons in his employ shall from time to time post notices, in such form and containing such information as the Commission may require.

(2) Each such notice shall be kept in such conspicuous positions and for such period as the Commission may specify.

Employee Registration Card

5. Any employer who receives from the Commission a registration card for an employee shall forthwith deliver the card to the employee.

Appointment and Certificate of Inspector

6. (1) Every officer of the Commission who is performing the duties of auditor or investigator is authorized by the Commission to act as an inspector for the purposes of the Act and these regulations.

(2) The certificate of appointment of any person authorized to act as inspector shall be on such form as the Commission may determine from time to time.

Certificate of Exemption

7. (1) Application for a certificate of exemption under section 18 of the Act or for renewal of such certificate shall be made on such form as the Commission may determine from time to time.

(2) The applicant shall submit such further evidence in support of his application as may be required by the Commission.

(3) The certificate of exemption shall be on such form as the Commission may determine from time to time, and shall be valid for such period from the date it is issued or renewed as is specified thereon unless the circumstances of the holder's employment alter in such a way as to terminate the exemption.

(4) In the event of termination of the exemption, the certificate shall cease to be valid and the holder thereof shall return it to the local office.

Unemployment Insurance Act—continued*Form of Election to Remain Insured*

8. Any person who, pursuant to subparagraph (ii) of paragraph (l) of Part II of the Schedule to the Act, is entitled to elect to remain an insured person and who desires to so elect shall make his election in writing on such form as the Commission may determine from time to time.

Entries of Particulars—Microfilms

9. (1) Particulars in the Commission's possession of the employer's or the employee's contributions paid in respect of an employed person, and particulars of employment or unemployment furnished to the Commission by a claimant, either orally or in writing, may be compiled, extracted, posted or translated through symbols by the Commission, by periods which may be other than reported to the Commission, on such form and in such manner as the Commission may from time to time determine.

(2) The information so recorded shall be deemed for the purposes of the Act and these regulations to be original entries of particulars of such contributions paid or of particulars of employment or unemployment furnished by such claimant, for the period indicated on such compilation, extract, posting or translation.

(3) A print, whether enlarged or not, of a microfilm of any identifying particulars, or of any insurance contribution record or entry of particulars as provided in subsection (1), shall for the purposes of the Act and these regulations be deemed to be the insurance contribution record or entry of particulars, pertaining to the employed person in respect of whom the record is maintained or the entry made.

DETERMINATION OF QUESTIONS BY THE COMMISSION AND THE UMPIRE

10. Where any question arises as to

- (a) whether generally any employment or any class of employment is or will be insurable;
- (b) whether during any period a person is or was an insured person or whether contributions are payable in his respect;
- (c) who is or was the employer of any employed person;
- (d) the rate of contribution payable under the Act by or in respect of any person or class of persons; or as to the rates of contributions payable in respect of any insured person by the employer and that person respectively; or
- (e) whether a person was employed in any excepted employment or any insurable employment in respect of which contributions were not payable, or engaged in business on his own account, or employed outside of Canada or partly outside of Canada in an employment in respect of which contributions were not payable, or employed in an employment not described by Part I of the Schedule to the Act, during any period falling within the period of two years specified in the first statutory condition;

that question shall be decided by the Commission under section 47 of the Act, subject to an appeal to the Umpire under section 48 of the Act, and the procedure applicable in such instances shall be that provided in sections 11 to 24 of these regulations.

Unemployment Insurance Act—continued

11. (1) When any such question arises, any person, including a judge, magistrate or court, by way of reference under section 51 of the Act, or any officer of the Commission, may apply to the Commission for a decision.

(2) Such application shall be made by filing with the Commission, at Ottawa, an application in writing stating the nature of the question that has arisen and containing particulars satisfactory to the Commission, and shall be in such form as the Commission may from time to time approve or in substantially like form.

12. Any application to the Commission under paragraph (e) of section 10 shall be made by the claimant at any time within twenty-one days from the date on which the decision of the insurance officer is communicated to him, or within such further time as the Commission may in any particular case for special reasons allow.

13. The Commission may, at any time, under section 50 of the Act, by way of notice of reference, refer any question to the Umpire for decision.

14. An appeal to the Umpire shall be by notice in writing stating the grounds of appeal of the person aggrieved and shall be in such form as the Commission may from time to time approve or in substantially like form.

Application for Decision, Notice of Appeal or Reference sent to Interested Parties.

15 (1) When an application to the Commission, or notice of appeal to the Umpire, has been received or the Commission has decided to refer the question to the Umpire, the Commission shall make available a copy of such application, notice of appeal or notice of reference to every person having an immediate interest or appearing to have an immediate interest in the decision of the question, except the applicant and except as provided in section 16.

(2) At the same time the Commission shall fix a date on or before which representations may be filed with the Commission, at Ottawa, for the consideration of the Commission or the Umpire, as the case may be, in making the decision.

16. (1) In any case relating to a question under paragraph (e) of section 10, it shall not be necessary for the Commission to make available a copy of the application, of the notice of appeal or of the reference to the Umpire, to the person alleged to have been the employer of the claimant or the person with whom the claimant had business dealings, unless it is contended that the relationship of the claimant to such person constituted insurable employment and that contributions are payable in his respect.

(2) Where there is a large number of persons having an immediate interest in the decision of the question and it is considered impracticable to make available a copy of the application, of the notice of appeal or of the reference to the Umpire to each such person, the Commission may inform such persons through other means reasonable in the circumstances.

Filing of Representations and Application for a Hearing

17. (1) Representations may be filed with the Commission at Ottawa, on or before the date fixed for filing such representations, by persons to

Unemployment Insurance Act—continued

whom the Commission has sent a copy of the application, of the notice of appeal or of the reference to the Umpire, or by any other person having an immediate interest in the decision of the question.

(2) On or before such date application may be made by the applicant or any other person having an immediate interest in the decision, for a hearing before the Commission or the Umpire, as the case may be.

Submission of Record

18. After the date fixed by the Commission for filing representations, all material relevant to the question to be decided shall be submitted to the Commission or the Umpire.

Further Investigation

19. Where such material is not adequate for the determination of the question, the Commission or the Umpire may conduct such further investigation into the matter as is deemed necessary and in such manner as is deemed expedient and the Umpire may for that purpose request the Commission to obtain further particulars in such manner as he may direct.

When a Hearing is to be Granted

20. (1) Where an application has been made for a hearing by the applicant or other person having an immediate interest in the decision, a hearing shall thereupon be granted.

(2) Where no application for a hearing has been made, the Commission or the Umpire may nevertheless direct that there shall be a hearing, but in no case shall a person be entitled to be paid for travelling or other allowances for the purpose of attending the hearing unless he is requested by the Commission or the Umpire to attend the hearing.

Notice of Hearing

21. In any case where a hearing is to be held, a notice in writing shall be sent at least seven days prior to the date fixed for the hearing, to the applicant and to all other persons who have filed representations.

Procedure at Hearing

22. (1) The hearing may be held by the Commission or the Umpire or by a person or persons designated by the Commission or the Umpire for the purpose; such person or persons shall submit a detailed report of the hearing for the consideration of the Commission or the Umpire in deciding the question.

(2) The procedure at any such hearing shall be determined by the Commission or the Umpire or the person or persons designated to hold such hearing.

Decision

23. The decision of the Commission or the Umpire shall be in writing and under the seal of the Commission or the Registrar of the Umpire, and the Commission or the Registrar shall send a copy thereof to the applicant and to any person who has an immediate interest in the decision; the Commission may publish the decision or a digest thereof if and as it deems proper.

Unemployment Insurance Act—continued

New Facts Discovered

24. Where in any case new facts are brought to the notice of the Commission or the Umpire, and it appears that the decision should be reconsidered under section 49 of the Act, the provisions of these regulations relating to the determination of questions, with such modifications as the circumstances may require, shall apply as though a new application has been made.

Part II

COVERAGE

Predetermination of Earnings (Wage Ceiling)

25. (1) When the amount of earnings of an employed person is material to his insurability, his employer shall, at the time the payment of the first contribution is due, predetermine for the period of the next ensuing twelve months whether the employee will, by reason of the amount of his earnings, be insured or excepted.

(2) Where the earnings of the employed person for the period cannot be estimated with any reasonable degree of certainty, the predetermination shall be made as follows:

- (a) if he was employed in the same employment and at the same rate of remuneration by that employer, his actual earnings in the immediately preceding twelve months with the employer shall be taken as the basis of predetermination; or
- (b) if he was not so employed, the actual earnings in the immediately preceding twelve months of persons employed in the same employment and at the same rate of remuneration by that employer or in similar employment and at the same rate by other employers, shall be taken as such basis.

(3) For the purpose of such predetermination, where the rate of remuneration of such employed person is a weekly rate, his actual earnings for such twelve-month period shall be considered to be on the basis of fifty-two times his weekly rate.

(4) Where the employer does not make the payment of contribution at the time it is due, he shall be deemed to have predetermined that the employee is excepted.

(5) Where the employee is dissatisfied with such predetermination he may apply to the Commission within six months of that time, for a decision as to whether the predetermination was reasonable.

(6) The Commission may at any time on its own initiative decide that such predetermination was not reasonable.

EMPLOYMENTS MADE INSURABLE

Mixed Employment

26. (1) Where any person is employed under the same employer partly in insurable employment and partly in some other employment and the employer consents thereto in writing, such person shall be treated as if he were wholly engaged in insurable employment from the date upon

Unemployment Insurance Act—continued

which such consent is registered at the local office and during such period as the consent remains in force and the employment continues as aforesaid until the employer notifies the local office in writing of its withdrawal.

(2) Where any such person is employed solely in non-insurable employment for fifteen consecutive weeks subsection (1) ceases to apply.

Skilled Tradesmen Employed on Farms

27. Every skilled tradesman who is employed as such by the operator of a farm in excess of six days in a period of thirty consecutive days and who is in excepted employment by reason only of such employment, shall in respect of such employment be in insurable employment.

Temporary Employees of Hospitals or Charitable Institutions

28. Every person who is employed on a temporary or casual basis in construction, renovation or repair work by a hospital or a charitable institution not operated for the purpose of gain, and who is in excepted employment by reason only of such employment, shall in respect of such employment, be in insurable employment.

Persons Employed under Designated Crown Agencies

29. (1) Every person employed under any of the designated Crown agencies who is in excepted employment by reason only of paragraph (j) of Part II of the Schedule to the Act shall, in respect of such employment, be in insurable employment unless

- (a) immediately before the coming into force of the Public Service Superannuation Act he was employed by any such designated Crown agency in employment which remained excepted employment by reason of his being a contributor under the Civil Service Superannuation Act other than under Part VI thereof, or
- (b) immediately prior to his becoming employed by any such designated Crown agency since the coming into force of the Public Service Superannuation Act, he was employed in excepted employment by reason of the said paragraph (j).

(2) In this section "designated Crown agencies" means

- (a) The Canadian Broadcasting Corporation,
- (b) The Canadian Commercial Corporation,
- (c) The Canadian Overseas Telecommunication Corporation,
- (d) The Canadian Wheat Board,
- (e) Crown Assets Disposal Corporation, and
- (f) Companies to which the Government Companies Operation Act applies.

Weekly Rated Employees in Printing Trades

30. (1) Every person whose rate of remuneration is weekly and whose earnings thereunder exceed in value \$4,800 a year, and who is employed under a contract of service and below the rank of foreman in any of the printing trades, shall in respect of such employment be in insurable employment.

(2) For the purposes of this section "printing trades" includes any printing operation or process performed by a typographer, photoengraver,

Unemployment Insurance Act—continued

electrotyper, stereotyper, pressman, lithographer, mailer, bookbinder, or by an assistant thereof, in connection with a newspaper, or commercial, speciality or paper products, but does not include operations performed by clerical or office staff.

Landscape Gardeners

31. (1) Every landscape gardener who is in excepted employment by reason only of his employment as a landscape gardener shall, in respect of such employment be in insurable employment.

(2) For the purposes of this section, "landscape gardener" does not include a person ordinarily and mainly employed in connection with a nursery or greenhouse operated by his employer, but includes a person who is employed in landscape gardening to build, repair, alter or demolish bridges, dams, roads, walks, buildings or other structures, to fill or grade terrain, to cover or condition land with topsoil or fertilizers, to sod or seed lawns, to plant or transplant trees, shrubs, flowers or plants, to install sprinkler systems, water supply, sewers or drains or to perform any other class or classes of work which may, by Special Order of the Commission, be declared from time to time to apply for the purposes of this section.

Employment Outside of Canada

32. (1) The following employments outside of Canada or partly outside of Canada (being employments which, if they were employments in Canada, would make the persons employed therein insured persons), are hereby prescribed for the purposes of Part I of the Schedule to the Act, to be insurable employments, namely,

- (a) employment in any ship or vessel of Canadian registry or licence, unless such ship or vessel is regularly employed in voyages between ports outside of Canada, and
 - (i) had been chartered by demise to a person resident outside of Canada; or
 - (ii) the Commission is satisfied that its crew is mainly or wholly domiciled outside of Canada;
- (b) employment in any ship or vessel other than a ship or vessel of Canadian registry or licence
 - (i) which has been chartered by demise to a person resident in Canada and which is regularly employed in voyages from a port in Canada; or
 - (ii) which as to its management and use is principally controlled in Canada, and the owner or managing owner of which either resides or has a place of business in Canada, and which is regularly employed in voyages from a port in Canada; or
 - (iii) in which employment is subject, in matters relating to unemployment insurance, to the provisions of the Act, by virtue of an agreement entered into between the Government of Canada and the Government of the jurisdiction in which such ship or vessel is registered; and
- (c) employment for the purposes of the execution of some particular work, by a person who was an insured person immediately before leaving Canada, for an employer resident or having a place of business in Canada.

Unemployment Insurance Act—continued*Certain Persons Excepted*

(2) Notwithstanding subsection (1), any person employed in any ship or vessel described in subsection (1) shall be excepted if he is neither domiciled nor has a place of residence in Canada, unless such person is domiciled or has a place of residence in any jurisdiction whose Government has entered into an agreement with the Government of Canada to establish reciprocal arrangements on matters relating to unemployment insurance for persons employed in any such ship or vessel.

EMPLOYMENTS MADE EXCEPTED*Insurance Agents*

33 (1) Every person who is employed in insurable employment as an insurance agent shall be in excepted employment in respect of his employment as such agent.

(2) For the purposes of this section “insurance agent” includes a person who, for compensation, solicits contracts of insurance on behalf of any insurer or transmits, for a person other than himself, an application for or a contract of insurance to or from such insurer, or offers or acts or assumes to act in the negotiation of such contracts, but does not include any officer or salaried employee of an insurer, except in respect of commissions or salaries in lieu of commissions received by such officer or employee for acting as an insurance agent as herein defined.

Securities Salesmen

34. (1) Every person who is employed in insurable employment as a securities salesman shall be in excepted employment in respect of his employment as such salesman.

(2) For the purposes of this section, “securities salesman” includes a person who is engaged or employed in the sale or purchase, or in the execution of orders for the sale or purchase, of bonds, shares or stocks solely and exclusively upon a commission basis, but does not include any officer or salaried employee of an investment dealer, broker or agent.

Real Estate Agents

35. (1) Every person who is employed in insurable employment as a real estate agent shall be in excepted employment in respect of his employment as such agent.

(2) For the purposes of this section, “real estate agent” includes a person who is engaged or employed in the sale or purchase of real estate solely and exclusively upon a commission basis, but does not include any officer or salaried employee of a real estate broker or agent.

Truckers

36. (1) Every person who is employed in insurable employment as a trucker shall be in excepted employment in respect of his employment as a trucker.

(2) For the purposes of this section, “trucker” means a person who, for remuneration, contracts for the conveyance of things by means of a motor-driven vehicle and who is the owner of such vehicle either absolutely, partly or conditionally.

Unemployment Insurance Act—continued

Persons Employed in Insurable Employment to an Inconsiderable Extent

37. The following persons who are employed in insurable employment to an inconsiderable extent shall be in excepted employment in respect of the employments described hereunder:

One Day a Week

- (a) any person who habitually works for not more than one day a week in insurable employment;

Students

- (b) any person who is a full-time enrolled student of a day school, college or university, and who is employed in
 - (i) temporary employment during the period from December 13 to December 31, both dates inclusive in any year;
 - or
 - (ii) part-time employment not exceeding twenty-four hours a week in the aggregate;

Subsidiary Employment

- (c) any person who, for the purposes of remuneration or profit, is following an occupation that could ordinarily be followed by him in addition to, and outside of the ordinary hours of, his usual employment, and from which he receives or earns a remuneration or profit not exceeding two dollars in respect of any day, or if in respect of a period longer than a day, not exceeding a daily average of two dollars;

Recipients of War Veterans Allowance

- (d) any person who has qualified for the receipt of an allowance under section 4 of the War Veterans Allowance Act and who is employed in an employment, the earnings from which are exempt as income for the purpose of entitlement to such allowance, unless in any particular case or class of cases the Commission declares by Special Order that the provisions of this paragraph shall not apply;

Election Employees

- (e) any person who is employed as a compiler of voters' lists, enumerator, poll clerk, returning officer or deputy returning officer, in connection with federal, provincial or municipal elections;

Janitor, Caretaker or Cleaner

- (f) any person who is employed as a janitor, caretaker or cleaner, where
 - (i) the value of the remuneration does not exceed a daily average of two dollars; or
 - (ii) the employment does not exceed four hours a day and is carried on outside the ordinary business hours of the employer;

Unemployment Insurance Act—continued*Radio or Television Artists*

- (g) any person employed as a radio or television artist in any pay period in which the broadcasting or televising time does not exceed, in the aggregate, two hours if the pay period is weekly, five hours if it is semi-monthly, and ten hours if it is monthly, and if it is other than the foregoing, a number of hours to be determined by the Commission from time to time by Special Order;

Not Ordinarily Insured—Thirty Consecutive Days

- (h) any person whose livelihood is not ordinarily derived from insurable employment and who is employed for a period not exceeding thirty consecutive days
- (i) in connection with sleet, snow or ice removal, or with seasonal cleaning of premises;
 - (ii) in connection with circuses, carnivals, exhibitions, fairs or race meetings;
 - (iii) as a substitute, during the absence of a regular employee; or
 - (iv) as a stevedore at ports in the Northwest Territories, in the Magdalen Islands (province of Quebec), and in the Provinces of New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland (other than the ports of Saint John and Dalhousie in New Brunswick, Halifax and Sydney in Nova Scotia, and St. John's, Botwood, Port Aux Basques and Corner Brook in Newfoundland);

Not Ordinarily Insured—Miscellaneous

- (i) any person whose livelihood is not ordinarily derived from insurable employment and who is employed;
- (i) at a fixed annual rate of remuneration not exceeding \$600;
 - (ii) for not more than four hours a day as a school bus or van driver;
 - (iii) for not more than ten days in any month at a grain elevator;
 - (iv) for not more than ten days in any month, by a surveyor, or
 - (v) in the Far North above the 55th parallel of latitude;

*Written Declaration Lodged Fifteen Weeks a Year
or Ten Days a Month*

- (j) any person who, at the time of hiring, lodges with his employer a declaration in writing that his livelihood is not ordinarily derived from insurable employment and who is employed in any of the following employments either for not more than fifteen weeks in any calendar year or for not more than ten days in any month
- (i) in fruit packing or in connection with a factory for canning or processing food products;
 - (ii) in connection with census enumeration;
 - (iii) by a rural municipal authority, irrigation district or water users' community; or
 - (iv) in a rural area by a telephone, electric power, or oil or gas pipeline company or system;

Unemployment Insurance Act—continued

Written Declaration Lodged Seasonal Industry or Occupation

- (k) any person who, at the time of hiring, lodges with his employer a declaration in writing that his livelihood is not ordinarily derived from insurable employment and who is employed in a seasonal occupation within the seasonal industries of transportation upon inland waters, stevedoring or lumbering and logging (but including the Province of British Columbia in respect of lumbering and logging), or within any industry that is seasonal and that does not ordinarily extend over more than twenty weeks in a year.

Persons Excepted to Avoid Duplicate Insurance as Between Two Countries

38. Every person employed in insurable employment shall be in excepted employment, where

- (a) his services are performed in Canada, outside of Canada or partly in Canada and partly outside of Canada, and contributions are payable by him or on his behalf with respect to all his earnings under
 - (i) the unemployment insurance law of any state of the United States of America, the territories of Alaska and Hawaii or the District of Columbia, by reason of the Agreement between Canada and the United States of America respecting unemployment insurance recited in the Schedule to these regulations; or
 - (ii) the Railroad Unemployment Insurance Act of the United States of America; or
- (b) he is described in subparagraph (c) of subsection (1) of section 32 but paragraph (a) of this section is not applicable to him, and his services outside of Canada continue or are expected by his employer to continue for a period exceeding eight months unless the Commission in a special case or group or class of cases extends this period; or
- (c) his place of residence is in Canada and contributions are payable by him or on his behalf under the unemployment insurance law of a foreign country with respect to all his earnings received for services performed outside of Canada, but in such event contributions shall be payable in respect of earnings for services performed in Canada; or
- (d) his place of residence is outside of Canada and contributions are payable by him or on his behalf under the unemployment insurance law of a foreign country with respect to all his earnings received for services performed in Canada.

Part III

CONTRIBUTIONS

Records Required to be Kept by Employers

39. (1) Every person shall keep in his possession at his place of business or other place designated by him to the Commission and thereat have available for inspection by an inspector of the Commission, for a period of three years from each respective entry therein, records in respect of all his employees, whether insurable or not, adequate for the purpose of enabling the inspector to determine whether contributions were payable in

Unemployment Insurance Act—continued

respect of such period and whether they were paid at the times required and, without limiting the generality of the foregoing, such records shall contain at least the following particulars:

- (a) the name and address of each employee;
 - (b) each insurable employee's insurance number;
 - (c) the actual days on which work is done by each employee or for which remuneration is payable, and the number of such days by pay periods;
 - (d) the gross remuneration payable to each employee for each pay period and the pay-day for each employee;
 - (e) all deductions from the gross remuneration payable to each insurable employee for the purpose of unemployment insurance contributions;
 - (f) the insurance number and name of any employed person for whom contributions are not being made by the employer by reason that contributions are being made in respect of him by another employer, and the name and address of such other employer; and
 - (g) a notation of a certificate of exemption issued in respect of any employee.
- (2) Such person shall, during the said period, so keep and have available for inspection the following documents:
- (a) a duplicate copy of each form of requisition for unemployment insurance stamps or unemployment insurance stamp meter impressions completed by the employer or his authorized representative and presented to an authorized postmaster;
 - (b) the receipts obtained under section 106 upon the delivery of any insurance contribution record to an employed person or a local office;
 - (c) a duplicate copy of each form of inventory of unemployment insurance stamps, made by an inspector of the Commission and signed by him and the employer or his representative, showing as of its date the amount of unemployment insurance stamps lawfully in the possession of the employer and of unemployment insurance stamp meter impressions to his credit;
 - (d) in the case of an employer paying contributions by the bulk payment method, except an employer paying contributions under section 77, a copy of each certificate of contributions delivered to the employed person on separation from employment; and
 - (e) a copy of each written declaration lodged under paragraph (j) or (k) of section 37.
- (3) Such person shall maintain such records and documents during the said period in such a manner that the inspector may determine the contributions payable by that person without having to resort to the computation of contributions on the basis of three per cent of the total remuneration as provided in section 68.

Documentary Proof Required to be Furnished by Employers

40. (1) The prescribed proof under subsection (2) of section 77 of the Act of the amount of unemployment insurance stamps lawfully in an employer's possession at the commencement of any period specified by an inspector shall be

Unemployment Insurance Act—continued

- (a) where an inventory of unemployment insurance stamps has been made by an inspector
 - (i) the duplicate copy of the form of inventory mentioned in paragraph (c) of subsection (2) of section 39, dated immediately prior to the commencement of the period;
 - (ii) in default of such duplicate, the original thereof in the possession of the Commission;
 - (iii) in default of both the said original and duplicate, other proof satisfactory to the inspector requesting such prescribed proof; and
 - (b) where no such inventory has been made, such proof shall be that required by subparagraph (iii).
- (2) The prescribed proof under subsection (2) of section 77 of the Act of the amount of unemployment insurance stamps lawfully purchased by such employer during the said period shall be
- (a) the duplicate copy kept by the employer of each form of requisition for unemployment insurance stamps required by paragraph (a) of subsection (2) of section 39 and duly completed, date stamped and receipted by the authorized postmaster or his representative; or
 - (b) the original thereof in the possession of the Commission; or
 - (c) in default of both the said original and duplicate, other proof satisfactory to the inspector requiring such prescribed proof.
- (3) The prescribed proof under subsection (2) of section 77 of the Act of the amount of contributions paid otherwise than by stamps during the said period shall be
- (a) the official receipt of the Commission for the amounts paid to the Commission for the purposes of contributions;
 - (b) the stub or receipt for a money order, postal note or bank order or draft, for the amounts paid to the Commission for the purposes of contributions;
 - (c) the cancelled cheque payable to the order of the Commission or the Receiver General of Canada for the amounts paid for the purposes of contributions; or
 - (d) an adjustment form attached to the insurance book in the employer's possession; and
 - (e) in default of the above, other proof satisfactory to the inspector requiring such prescribed proof.
- (4) The prescribed proof under subsection (2) of section 77 of the Act of the amount of unemployment insurance stamps lawfully in an employer's possession at the end of any period specified by an inspector, shall be
- (a) the unemployment insurance stamps lawfully in the employer's possession at such time;
 - (b) the duplicate copy of the form of inventory mentioned in paragraph (c) of subsection (2) of section 39 dated at the end of such period; or
 - (c) in default of such duplicate, the original thereof in the possession of the Commission; and
 - (d) in default of both the original and duplicate, and where no inventory has been made, other proof satisfactory to the inspector requiring such prescribed proof.

Unemployment Insurance Act—continued*Liability for Contributions When More than One Employer*

41. (1) Where an employed person is employed by more than one employer on any *particular* day, only the first employer of that day shall be deemed to be the employer of the said person on that day; but where he is *ordinarily* employed each day by more than one employer, the employers may make an agreement as to which employer shall pay the required contributions, and a copy of the agreement shall be forwarded to the local office.

(2) Such agreement shall provide that one employer shall pay contributions in respect of such person on the basis of the total remuneration payable by them to such person, and may provide that the employer who pays the contributions shall be reimbursed on a *pro-rata* basis by the other employers.

(3) Where the employers do not enter into such an agreement, the Commission may designate one of the employers as the employer for the purposes of the provisions of the Act and these regulations, and no further contributions shall be payable in respect of such employed person by any other employer of that day.

(4) The provisions of this section do not apply in respect of employment in stevedoring in any designated port.

COMPUTATION OF THE NUMBER OF CONTRIBUTIONS PAYABLE*General Rules of Computation*

42. The number of contributions payable shall be computed as indicated in sections 43 to 48 except in cases where divisors are used or where contributions payable are computed at three per cent of the total remuneration.

43. (1) Where the employed person works on or earns remuneration for each working day in a pay period and where the pay period is monthly or semi-monthly, contributions are payable in each pay period, at the election of the employer, for either

(a) 26 or 13 days, respectively; or

(b) each working day in the pay period and each day recognized as a holiday for that person by the employer or by statute or custom, and the employer's election shall be irrevocable for a period of one year in respect of any particular employed person.

(2) Where the pay period is other than monthly or semi-monthly, and the employed person works on or earns remuneration for each working day in a pay period, contributions are payable in each pay period for the number of days indicated in paragraph (b).

44. Where the employed person does not work on or earn remuneration for each working day in the pay period, contributions are payable for each working day on which he works or for which he earns remuneration.

45. Contributions are payable for six days in any calendar week during which a person works or earns remuneration on each of the working hours, days or shifts which constitute the full week's work for any grade or class or shift in an occupation or at a factory, workshop or other premises of an employer.

Unemployment Insurance Act—continued

46. (1) In any case not coming within the provisions of sections 43, 44 and 45, or where, in the opinion of the Commission, it is not feasible to apply the provisions of these sections in any specific case or cases, the employer shall submit to the Commission for approval a proposal for a method of determining the number of contributions payable.

(2) Any method proposed by an employer and approved by the Commission shall have effect for that employer as if it were specifically provided for in these regulations; the Commission may, from time to time, rescind such approval.

47. (1) In computing the number of contributions payable in respect of an employed person, account shall not be taken of any day after his separation from insurable employment, for which remuneration is payable to him.

(2) For the purposes of this section, "separation" includes a temporary lay-off *except* where a general continuous holiday in excess of a working week begins within thirty days of such lay-off.

48. Contributions are payable in respect of any pay period for not more than the number of days for which provision is made in an insurance book for such period, except in the case provided for in paragraph (a) of subsection (1) of section 43, and in respect of employment in stevedoring in any designated port.

Overlapping Days

49. Where the period for which an employed person works or earns remuneration begins on one day and extends over midnight into the following day he shall, in respect of such period, be treated

- (a) as having worked or earned remuneration only on the first day if the period before midnight is of longer duration than that after midnight; and
- (b) as having worked or earned remuneration only on the second day if the period for which he worked after midnight is of longer duration than that before midnight, or if such period before or after midnight is of equal duration.

Divisors—Abnormal Working Days

50. Where a person habitually works for less than a full working week under circumstances which may from time to time require that he work more than the normal number of working hours in a day, contributions for any pay period are payable for a number of days to be ascertained by dividing the number of hours actually worked in the pay period by the number of hours normally worked in a day in his employment.

Divisors—Mileage Basis

51. Contributions in respect of any person employed in any industry as the Commission may from time to time determine, and who is paid on a mileage basis are, for any pay period, payable for a number of days to be ascertained by dividing the number of dollars he earned in the pay period by a divisor or divisors to be determined from time to time by Special Order of the Commission.

Unemployment Insurance Act—continued*Divisors—Stevedoring in Designated Ports*

52. (1) Contributions in respect of any person employed in stevedoring in any port which the Commission from time to time by Special Order may designate for the purpose, are payable for each pay-week for a number of days to be ascertained by dividing the wages earned in the pay-week by a divisor or divisors to be determined from time to time by Special Order of the Commission.

(2) Contributions in respect of such employed person are not payable by any one employer for more than twelve days in respect of his employment in any one pay-week.

(3) In computing the number of contributions payable, any fraction resulting from such division shall be disregarded, except where wages earned by the insured person in the pay-week are less than the amount of the divisor, in which latter case a contribution shall be payable for one day.

(4) For the purposes of this section, "pay-week" means any period of seven consecutive days as may be approved by the Commission for each port or for each employer or class or group of employers.

(5) Where it is established to the satisfaction of the Commission that a person or class or group of persons is regularly and continuously employed in stevedoring at any such designated port by one employer only, the Commission may by Special Order direct that the provisions of this section shall not apply to such person, class or group of persons.

Divisors—Lumbering and Logging

53. Where any person is employed in lumbering and logging and is paid,

- (a) by the piece,
- (b) on a share basis,
- (c) on the basis of some other consideration whereby he provides, in addition to his services, such machinery or equipment as may be necessary for the performance of those services, or
- (d) on some similar basis,

and no records are available to determine the number of days on which he performed services, contributions are payable in respect of any pay period for a number of days to be ascertained by dividing the total amount of logs or timber scaled by a divisor or divisors to be determined from time to time for any area by Special Order of the Commission.

DETERMINATION OF EARNINGS*Gross Earnings*

54. The earnings which are taken into account for the purposes of determining contributions payable shall be the gross earnings of the employed person.

Where Room and Board Furnished

55. (1) Where an employed person's remuneration is not pecuniary or is only partly pecuniary and the whole or part of such non-pecuniary remuneration consists in his being furnished with room and board or room

Unemployment Insurance Act—continued

or board alone, the value of such room and board or room or board alone shall be included in determining the person's earnings for contribution purposes.

(2) Where the value of such room and board or room or board alone is not fixed by agreement between the employer and the employed person, so as to equal at least the scale of values provided hereunder, it shall be computed on the following scale of values:

	Daily rate	Weekly rate	Monthly rate
	\$ cts.	\$ cts.	\$ cts.
Room and Board.....	1 00	6 00	26 00
Meals only.....	75	4 50	19 50
Room only.....	25	1 50	6 50
Individual meals.....	25	.....	.....

When Living Quarters Furnished

56. (1) Where an employed person's remuneration is not pecuniary or is only partly pecuniary and the whole or part of such non-pecuniary remuneration consists in his being furnished with living quarters for himself, or for himself and family, the rental value of such living quarters shall be included in determining the person's earnings for contribution purposes.

(2) Where light, heat, telephone or other considerations are supplied by the employer with such living quarters as part of such remuneration, their value shall be included in computing the rental value of such living quarters.

(3) Where the value of such living quarters is not fixed by agreement between the employer and the employed person, it shall be computed on the rental value of similar living quarters in the vicinity or district, or if there are no such similar living quarters in the vicinity or district, then the value shall be determined by the Commission.

When Other Consideration Furnished

57. (1) Where an employed person's remuneration is not pecuniary or is only partly pecuniary and the whole or part of such non-pecuniary remuneration consists in his being furnished with any consideration other than room and board or room or board alone or living quarters, the value of such consideration shall be included in determining the person's earnings for contribution purposes.

(2) Where the value of such consideration is not fixed by agreement between the employer and the employed person it shall be determined by the Commission, having regard to all of the circumstances.

If Non-pecuniary Remuneration not Reasonably Fixed

58. In any case where in the opinion of the Commission the value of any non-pecuniary remuneration payable by an employer to an employed person has not been fixed by agreement between the employer and the employed person at a reasonable amount when including it in the earnings of such employed person for contribution purposes, the Commission may determine the value of such remuneration.

Unemployment Insurance Act—continued*Seven Days' Work*

59. Where an employed person works or remuneration is payable to him for seven days in any week, his earnings for seven days shall be considered his weekly earnings.

Piece Work

60. (1) Where an employed person is paid by the piece or on some similar basis, his weekly earnings for any period of four weeks may be determined by his average weekly earnings in the previous four weeks.

(2) If he was not engaged on the same work during the previous four weeks, his weekly earnings shall be deemed to be equal to those payable to other persons doing similar work during the previous four weeks.

Vocational Training

61. Where a veteran is given vocational training on the job and receives an allowance from the Department of Veterans Affairs through his employer in addition to his wages, the earnings of such veteran shall be deemed to be the aggregate of his wages and such allowance.

Personal Services and Other Consideration

62. (1) Where an employed person's remuneration is not payable only for personal services and consists of his being paid a single amount for personal services and for some other consideration and, out of this single amount, the employed person is required to provide that other consideration, the net earnings of such employed person for contribution purposes shall be the said single amount less the value of such other consideration as determined by the employer.

(2) In any case where the employer and the employed person do not agree as to value of the other consideration, or where in the opinion of the Commission the value of this other consideration has not been fixed at a reasonable amount, the Commission may determine the value of such other consideration.

Commission or Share of Profits

63. (1) Where an employed person is paid wholly or partly by commission or by a share of profits but not on the basis of a drawing account and his earnings vary considerably from one pay period to another, his earnings for each of any four consecutive pay periods, during which he actually receives any earnings may, for contribution purposes, be determined by the pay period average of the earnings which he actually received in the immediately preceding four consecutive pay periods during which he was employed by the same employer for the same work and on the same basis.

(2) For the purposes of this section one such determination only may be made in respect of any employed person in any four consecutive pay periods.

Drawing Accounts

64. (1) Where an employed person's gross remuneration is payable by sums debited to a drawing account, such person's earnings shall be deemed to be the sums so debited.

Unemployment Insurance Act—continued

(2) Where such sums are debited at intervals of a month or less, the earnings for a month shall be the aggregate of the sums debited in that month.

(3) Where such sums are debited at intervals of more than a month, the earnings for a month shall be his average monthly debits for the period of three months immediately preceding the date on which contributions are payable.

(4) For the purposes of section 43, such employed person's pay period shall be deemed to be a monthly pay period.

RATE OF CONTRIBUTIONS

65. The rate of contributions payable is based on the table of contributions in the Act, with the exception of cases where rates are fixed by these regulations either at a particular rate or on the basis of three per cent of the total remuneration.

Fixed Rate—Stevedoring in Designated Ports

66. The rates of contributions payable under the provisions of section 52 of these regulations are

- (a) 7c each by the employer and employee per day where the divisor is less than \$5.50 per day;
- (b) 8c each by the employer and employee per day where such divisor is from \$5.50 to less than \$8.00; and
- (c) 9c each by the employer and employee per day where such divisor is \$8.00 or more.

Fixed Rate—Lumbering and Logging

67. Where any person is employed in lumbering and logging, and is paid

- (i) by the piece,
- (ii) on a share basis,
- (iii) on the basis of some other consideration whereby he provides, in addition to his services, such machinery or equipment as may be necessary for the performance of those services, or
- (iv) on some similar basis,

contributions are payable in any area at a weekly rate or rates to be determined from time to time by Special Order of the Commission.

Computation at Three per cent if Inadequate Records

68. (1) Where an inspector is of the opinion that the books, records and accounts of an employer are not adequate for the purpose of enabling the inspector to determine, according to the Act and these regulations, whether any contributions were payable for any period in respect of any or all of the employer's insurable employees, the inspector shall determine the contributions payable, as follows:

- (a) according to the Act and these regulations, in respect of the employees for whom such records are in his opinion adequate;

Unemployment Insurance Act—continued

(b) on the basis of three per cent of the total remuneration, as computed in subsection (3), that has been paid or become payable during such period to all employees, whether insurable or not, in respect of the employees for whom such records are in his opinion inadequate.

(2) The inspector may estimate such total remuneration where, in his opinion, the books, records and accounts of the employer are inadequate for the purpose of determining such remuneration.

(3) When the inspector computes or estimates the total remuneration to which the three per cent is to be applied, he shall exclude therefrom any remuneration which he is satisfied has been paid or become payable for such period

(a) to any of the employees who are not insurable, and

(b) to any of the insurable employees in respect of whom the records were adequate.

Amount of Interim Payments

69. (1) Where an application is made to the Commission to determine any question involving liability to pay contributions or the amount or the rate of contributions payable in respect of any person, the largest amount considered by an officer of the Commission to be payable as contributions shall be paid from time to time as required by these regulations until the question has been determined by the Commission or by the Umpire.

(2) Any contribution which then appears to have been erroneously paid may be refunded pursuant to section 110.

Methods of Payment of Contributions

70. Except in respect of

(a) employment in stevedoring at designated ports;

(b) contributions which are not paid at the times required,

(c) contributions computed at three per cent of the total remuneration; and

(d) contributions owing determined under section 77(4) of the Act, every employer shall pay contributions by any one of the following methods:

(i) by affixing an unemployment insurance stamp or stamps of the requisite denomination in the employed person's insurance book or on his insurance card;

(ii) by means of a metering device, used in accordance with these regulations, impressing a stamp or stamps of the requisite denomination in the employed person's insurance book or on his insurance card;

(iii) by the bulk payment method, where so authorized by the Commission; or

(iv) by an adjustment form, in the case of adjustment.

Employer's Registration and Licence

71. Every employer who has in his employ or who engages any person in insurable employment shall, within three days after such person com-

Unemployment Insurance Act—continued

mences to render services, apply to the Commission for a registration number and a licence to purchase stamps, unless excepted by the Commission.

Issue of Stamps

72. (1) Unemployment insurance stamps to be used in payment of contributions shall be made in accordance with a design approved by the Commission and in such denominations as the Commission may from time to time fix, and such design shall not be used except for the purposes approved by the Commission.

(2) No person shall keep for sale, offer for sale, purchase for sale or sell any unused unemployment insurance stamps, other than a postmaster authorized by the Post Office Department, at such place and subject to such conditions as may be determined by the Commission.

(3) Unused unemployment insurance stamps shall be obtained only by an employer or his authorized representative from a person authorized to sell such stamps, upon production of the employer's licence (unless he is excepted from the requirement of obtaining a licence under section 71), and upon completion of a form of requisition for unemployment insurance stamps approved from time to time by the Commission.

(4) No person other than an employer or his authorized representative shall have in his possession unused unemployment insurance stamps.

(5) No person shall have in his possession any used unemployment insurance stamps except while they are lawfully affixed to insurance contribution records and such records are in his possession in accordance with these regulations.

Cancellation of Stamps

73. (1) An employer shall upon affixing any unemployment insurance stamp in an insurance record, cancel such stamp by writing in ink or stamping across its face his registration number, or if he has no registration number, his name and his trade name, if any.

(2) Any person may by writing or otherwise make an identification mark on an unemployment insurance stamp before it is used, if in the opinion of the Commission such identification mark does not destroy the legibility of the stamp.

(3) No person shall otherwise deface any unemployment insurance stamp, either used or not, or remove any such stamp from any insurance contribution record.

Metering Devices to be Authorized

74. (1) No employer shall use a metering device for the payment of contributions, unless the use of such device has been authorized by the Commission and the authorization has not been revoked.

(2) The design on the impression die in all metering devices used for the payment of contributions shall be a design approved by the Commission.

(3) Such design shall not be used by any person for any other purpose without the written authorization of the Commission.

Unemployment Insurance Act—continued*Use of Metering Device*

75. (1) Every metering device used for the payment of contributions shall be used in such manner and subject to such conditions as the Post Office Department or the Commission may from time to time determine, and any officer of the Commission or the Post Office Department shall be permitted to inspect such metering device and the impression die used in connection therewith at any reasonable time.

(2) An employer who has obtained authority from the Commission to pay contributions by means of a metering device shall not use such metering device to pay contributions in respect of any employed persons other than his own employees, except by authority of the Commission.

(3) No employer shall use a metering device for the payment of contributions until he has paid to the Post Office Department the amount at which the metering device is to be set, nor shall he use a metering device for the payment of contributions exceeding in the aggregate the amount at which the device has been set.

(4) Any impression die used in a metering device for payment of contributions shall be delivered to any authorized officer of the Post Office Department or of the Commission on demand made after revocation of the authority granted for use of such metering device or at any time if no such authority has been granted.

(5) Every employer using a metering device shall notify the Post Office Department as soon as any defect occurs in the operation of the metering device and shall, upon request, deliver such metering device to the Post Office Department in the same condition as when the defect was first noticed, with full details in writing of any insurance books or cards or adjustment forms in which stamps have been imperfectly or incorrectly impressed.

(6) No repair or alteration shall be made to any metering device except by persons authorized by the Post Office Department or the Commission, nor shall any person except such authorized persons unlock or break any lock or seal placed on a metering device.

Bulk Payment

76. (1) An employer may submit to the Commission a proposal for payment at stated periods of aggregate contributions by the bulk payment method.

(2) Such proposal shall provide for

- (a) maintenance of contribution statements in a form approved by the Commission, showing in respect of each insured person
 - (i) his name and insurance number;
 - (ii) the number of days he worked by pay period; and
 - (iii) the amount of employee contributions by such pay periods as the Commission may from time to time direct;
- (b) furnishing the Commission, at the end of such period as the Commission may determine, with such certified contribution statement for that period for each insured person who has been in his employ during that period;

Unemployment Insurance Act—continued

- (c) placing in the insurance book of an insured person on separation from employment a certificate of contributions paid by him or on his behalf during the year; and
 - (d) generally furnishing any other information that the Commission may from time to time require.
- (3) The Commission may require as a condition precedent to approval of any such proposal,
- (a) an undertaking satisfactory to the Commission that the employer will carry out the terms of the proposal;
 - (b) a deposit in a sum equal to the estimated amount of contribution payable by the employer during a period to be fixed by the Commission, which deposit shall be deemed to be a prepayment of contributions and may be applied by the Commission at any time in payment of contributions payable; and
 - (c) such other provisions in the proposal as the Commission may from time to time determine.
- (4) Every employer whose proposal is approved by the Commission, which approval it may at any time rescind, shall pay contributions by bulk payment in respect of the insured persons in his employ as indicated in the Commission's approval.

Adjustment Form

77. (1) In cases of adjustment of contributions the Commission may allow an employer to pay any contributions unpaid or underpaid, through the use of an adjustment form approved by the Commission.
- (2) Where an employer makes an underpayment of contributions an Inspector may accept such underpayment in cash where the amount does not exceed an amount to be determined from time to time by the Commission.

Stevedoring in Designated Ports

78. (1) Any employer who employs persons in stevedoring in any of the ports designated under section 52 shall pay by bulk payment all contributions payable in respect of the employment of such persons.
- (2) At the times of such payment the employer shall furnish the Commission with a list showing
- (a) the employer's name and address,
 - (b) the pay-week, and
 - (c) in respect of each of the said employed persons:
 - (i) his name and identification number as may be specified by the Commission, and
 - (ii) the number and amount of contributions payable in respect of employment in each pay-week.

Payment Where Contributions Not Paid at Times Required

79. Where an inspector has found that an employer has not paid contributions within the time set out in subsection (1) of sections 84 and 85, subsequent payment of such contributions shall be made by the employer by forwarding forthwith to the inspector of the district in which such

Unemployment Insurance Act—continued

employer has his establishment, the properly stamped insurance books of the persons to whom such contributions relate or substitute or duplicate books issued to the employer by the inspector for that purpose.

Payment Where Contributions Owing Are Determined Under Section 77(4) of the Act

80. (1) Where contributions owing are determined under subsection (4) of section 77 of the Act and are wholly in respect of persons for whom contributions payable have been determined according to the provisions of the Act and these regulations other than section 68, contributions shall be paid in the following manner:

- (a) where the insurance books for such persons are in the possession of the employer, by affixing or impressing stamps and by forwarding such books so stamped to the inspector of the district in which such employer has his establishment; and
- (b) where such books are not in his possession, by forwarding to the inspector, cash, a certified cheque, a money order, or a bank order or draft made payable to the Receiver General of Canada.

(2) Where such contributions owing are wholly in respect of persons for whom contributions payable have been determined under section 68, contributions shall be paid by forwarding to the inspector, cash, a certified cheque, a money order, or a bank order or draft made payable to the Receiver General of Canada, for such amounts that have not been paid otherwise.

(3) Where such contributions owing are in respect of persons for whom contributions payable have been determined partly under section 68 and partly in accordance with the provisions of the Act and the other sections of these regulations, contributions shall be paid in the following manner:

- (a) where the insurance books for such persons are in the possession of the employer, (except as provided in (c)), by affixing or impressing stamps and by forwarding such books so stamped to the inspector of the district in which such employer has his establishment;
- (b) where such books are not in his possession, (except as provided in (c)), by forwarding to the said inspector, cash, a certified cheque, a money order, or a bank order or draft, made payable to the Receiver General of Canada; and
- (c) in the case of contributions payable determined at three per cent of the total remuneration under section 68, whether or not such insurance books are in his possession, by the method described in subsection (2).

Days for Which Contributions Are to be Recorded

81. (1) The days for which contributions are required to be recorded are the days in respect of which the employed person works or earns remuneration, except in the case of overlapping days, cases where divisors are used, and Sundays.

(2) No contribution shall be recorded for any day prior to the date on which the employment commences or prior to the period in respect of

Unemployment Insurance Act—continued

which the remuneration is payable, as the case may be, or after separation from employment, except where contributions are required for the full working week under section 45.

Sunday Employment

82. Where an employed person works or earns remuneration for a Sunday or in the case of overlapping days is deemed to have worked or earned remuneration for a Sunday, a contribution is payable for that Sunday and shall be recorded as for the Monday following, and contributions for the other days shall be recorded as for the next ensuing days in that week.

Where Two Contributions Required for One Day

83. Where the provisions of the Act or these regulations require in any case the payment of two contributions for one day, the second contribution shall be recorded as for the next day following and contributions for the other days shall be recorded for the next ensuing days in that week.

Time For Payment of Contributions During Employment

84. (1) During the employment of an employed person, contributions shall be paid by the employer within three days of each pay day.

(2) In respect of employment in stevedoring in designated ports, contributions shall be paid immediately at the end of each pay week as defined in section 52.

Upon Separation

85. (1) Upon separation from employment of an employed person, the contributions payable for the current pay period and all other contributions then unpaid, shall be paid by the employer immediately.

(2) In respect of employment in stevedoring in designated ports, contributions payable for the current pay week and all other contributions then unpaid shall be paid within three days of the employed person's last pay day.

Contributions Determined Upon Reconciliation

86. Where contributions owing have been determined under subsection (4) of section 77 of the Act, such contributions or any balance thereof due after such determination shall be paid in the manner described in section 80, within three days of the receipt by the person who is or was the employer, of a written demand for payment of such contributions signed by an inspector.

Bulk Payment

87. The time for payment of contributions payable under the bulk payment method shall be that provided in the proposal of the employer as approved by the Commission.

Fixed Pay Days

88. (1) Where an employed person's gross remuneration is payable by sums debited to a drawing account, the pay day of such person shall be deemed to be the end of each month.

Unemployment Insurance Act—continued

(2) In any case where the employed person is not paid wages or other pecuniary remuneration, the pay day of such person shall be the end of each calendar week, unless the Commission in any case or class of cases deems the pay day to be the end of any other period.

Period Covered By Payment of Contributions

89. (1) During employment, contributions payable under subsection (1) of section 84 shall be paid in respect of the pay period for which wages or earnings are payable to the employed person.

(2) Where an employed person's earnings are payable semi-monthly or monthly and contributions in respect of him are paid by affixing unemployment insurance stamps, the employer may, as an alternative to paying the contributions in respect of the whole pay period, pay the contributions for the *calendar weeks* which fall completely within such pay periods plus any portion of the previous pay period in respect of which contributions have not been paid, but contributions which remain unpaid in respect of any portion of any such pay period shall, in any event, be payable within three days of the next pay day.

(3) Upon separation, contributions payable at that time, shall be paid in respect of the current pay period and, where all other contributions have not been paid, shall also be paid in respect of the pay periods that were not previously taken into account.

Recording Contributions

90. (1) Contributions paid by means of unemployment insurance stamps shall be recorded by affixing them in the weekly spaces indicated in the employed person's insurance book or card, for the period in respect of which payment is being made.

(2) Contributions paid by means of a metering device shall be recorded by impressing unemployment insurance stamps in the weekly spaces indicated in the employed person's insurance book or card, for the period for which payment is being made, but where the stamps to be impressed will not fill completely the said spaces, such stamp shall be impressed at the end of the spaces.

91. Contributions paid by means of the bulk payment method, except in respect of stevedoring in designated ports, shall be recorded by the employer in respect of each employed person on a contribution statement form.

Stevedoring in Designated Ports

92. (1) Contributions paid in respect of an employed person's employment in stevedoring in any of the designated ports under section 52, shall be recorded in the first instance by the Commission on a contribution statement in such manner and at such times as the Commission may determine, for any person who has registered as a stevedore at the local office of the port where the employment took place.

(2) Such contributions paid in respect of any pay-week by an employer shall be recorded successively, one per day, for each of the days, other than Sunday, in that pay-week and in the two weeks next thereafter for which no contribution is required to be recorded.

Unemployment Insurance Act—continued

(3) In no case shall a contribution paid in respect of employment in any week be recorded for a day subsequent to the two weeks next thereafter.

Contributions Payable On Three Percent Basis

93. When contributions payable have been determined at three per cent of the total remuneration under section 68, such of these contributions that have not been paid and recorded shall, when paid, be recorded on an adjustment form.

CONTRIBUTION RECORDS

94. (1) Whenever an employer takes a person into his employ in insurable employment, he shall forthwith take possession of that person's insurance contribution records as outlined in paragraph (f) of section 2, if he has any, or ascertain his insurance number, if any.

(2) That person shall forthwith, upon being taken into employment, deliver his insurance contribution records or give his insurance number, as the case may be, to the employer.

95. Where, because the employed person has no insurance contribution records or does not deliver his records to the employer or for any reason the employer does not or cannot take possession of such records as required by subsection (1) of section 94, the employer shall

- (a) if making contributions by means of the bulk payment method, apply to his local office for an insurance number for that person, unless he has ascertained the person's insurance number as required by subsection (1) of section 94, the burden of proof of which shall be on the employer, and
- (b) if making contributions by means of stamps or a metering device shall apply to his local office for an insurance book for that person.

96. (1) The employer shall make the appropriate application in such form as may be approved by the Commission and within three days after the employed person commences to render services.

(2) If such person separates from employment within the said three days, the employer shall make the application not later than the last day on which the person performed services for him.

Insurance Books

97. (1) Every employer paying contributions by means of stamps or a metering device shall apply to his local office for an insurance book for each person employed by him in insurable employment who is not in possession of an insurance book for the current year ending on the thirty-first day of March.

(2) Every employer paying contributions by means of the bulk payment method, except in respect of stevedoring in designated ports, shall, prior to separation from employment of an employed person, apply to his local office for an insurance book, if he has no book for such person, and deliver it to the said person at the time of separation.

Unemployment Insurance Act—continued

(3) Every employer who receives an insurance book from an employed person shall retain the book in his possession for the purpose of making contributions required under the Act during the period that person continues in his employment.

(4) An employer of a person employed in stevedoring in a designated port shall immediately forward the insurance book to his local office.

Insurance Cards

98. Any employer or class of employers designated by the Commission may obtain insurance cards, subject to such conditions as the Commission may from time to time require.

Contribution Statements

99. Every employer paying contributions by the bulk payment method, except an employer paying contributions for stevedoring in designated ports, shall obtain from the Commission or have approved by it, contribution statement forms and forms of certificates of contributions paid.

Adjustment Forms

100. Adjustment forms shall be obtained by the employer from the Commission subject to such conditions as the Commission may from time to time require.

Safeguarding Insurance Contribution Records

101. Every person shall keep all insurance contribution records in his possession or custody safe and free from defacement or destruction.

102. (1) The employed person, his employer or an officer of the Commission may alter the employed person's surname in case of change by marriage, or such person's address as recorded in his insurance contribution records.

(2) No person shall otherwise deface or destroy any document or thing used in the administration of the Act and these regulations, or alter any of the figures or particulars therein, except an officer of the Commission as directed by the Commission from time to time.

103. Every person shall upon request produce for inspection to any officer of the Commission any insurance contribution records in his possession or custody, and any such officer may in his discretion take possession of and retain any insurance contribution records.

104. (1) If the insurance contribution records of any employed person are destroyed, lost or defaced, the Commission may upon application issue new insurance contribution records and may charge the person responsible for their custody at the time they were destroyed, lost or defaced, the sum of one dollar.

(2) If insurance contribution records are destroyed, lost or defaced, the Commission may credit the employed person with payment of contributions in respect of periods of employment with respect to which contributions on his behalf are to the satisfaction of the Commission shown to have been paid.

Unemployment Insurance Act—continued

(3) Where insurance contribution records have been destroyed, lost or defaced, and the insurance number is not supplied to the Commission, the Commission may decline to trace the record of contributions of the employed person whose insurance contribution records have been destroyed, lost or defaced.

Disposition of Contribution Records

105. (1) In cases of separation from employment, the employer shall deliver the employed person's unemployment insurance contribution records to that person

- (a) where the employer terminates the employment, not later than the last day on which services are actually performed for the employer;
- (b) where the employee terminates the employment, upon the request, of that person or, if there is no such request, to the local office within one week of the last day on which services are actually performed for the employer,

unless it is impracticable to so deliver in which case the employer shall deliver the records to the local office within one week later.

(2) Where an employed person dies, the holder of his insurance contribution records shall inscribe legibly thereon the word "deceased", and immediately deliver the records to the local office.

(3) Where an employed person ceases to be insured while still employed by his employer, the employer shall deliver the employed person's records to the local office within one week after such occurrence.

(4) Where any person who is not in insurable employment is, at any time in possession of any insurance contribution records in respect of former employment, he shall deliver them to the local office and no person shall, at any time, except as authorized by an officer of the Commission, have in his possession more than one insurance book for any year.

(5) Where a person dies or becomes permanently incapacitated while in possession of his insurance contribution records, any relative, legal representative or other person into whose possession the insurance contribution records may come shall forthwith deliver them to the local office.

(6) Every person who obtains possession of insurance contribution records to which he is not entitled shall forthwith deliver them to the local office.

106. Upon any delivery of any insurance contribution records pursuant to these regulations, the employer shall obtain a receipt therefor from the employed person or the local office or office of the Commission, as the case may be.

Yearly Return of Insurance Contribution Records

107. (1) At the close of each insurance year, ending on the 31st day of March, or at such other times as the Commission may require, every person having insurance contribution records in his possession shall deliver all such insurance contribution records to the local office.

Unemployment Insurance Act—continued

(2) If no request is received by that person by April 30th, he shall deliver all such records to the local office not later than May 7th in that year.

(3) Such person shall furnish such information as may be required by the Commission for the issuance of insurance contribution records for the succeeding period.

Inspection of Records by Employee

108. (1) Every employer shall from time to time upon request give each employed person in his employ an opportunity of inspecting his insurance contribution records as long as they are in the custody of the employer, but such person shall be entitled to inspect his insurance contribution records not more than twice in any month and only at such reasonable times, either within or immediately before or after that person's working hours, as may be fixed by his employer for the purpose.

(2) The Commission shall, upon request, give each employed person employed in stevedoring in any designated port, a similar opportunity of inspecting his insurance contribution records so long as they are in its custody.

REFUNDS (OR EXCHANGES) OF UNUSED STAMPS
AND OF CONTRIBUTIONS ERRONEOUSLY PAID
WRITE OFF OF CONTRIBUTIONS

109. (1) Upon receiving an unemployment insurance stamp which has not been used for the payment of contributions, from an employer or from his legal representative, and upon being satisfied that such stamp was lawfully obtained by the employer and is in addition to his requirements, the Commission may pay to the employer or his legal representative out of the Unemployment Insurance Fund the aggregate value of such stamp or issue to him in exchange unemployment insurance stamps of the same aggregate value.

(2) The Commission may refund out of the Unemployment Insurance Fund to any employer who has made payment to the Post Office Department for setting the metering device, the whole or part of the amount thereof which has not been used for the payment of contributions.

(3) The Commission may deduct from such refund or exchange any expenses arising out of such transaction or any amount due the Fund by the employer.

Refund of Contributions Paid Erroneously

110. (1) The Commission may repay any employer's contribution, or any part thereof, to the employer by whom it was paid or to his legal representative upon being satisfied that such contribution, or such part thereof, was paid under the erroneous belief that it was payable in respect of the employee for whom it was paid.

(2) The Commission may repay to an employer or his legal representative any contribution, or any part thereof, paid on behalf of one of his employees, upon being satisfied that such contributions, or such part thereof, was paid under the erroneous belief that it was payable in respect of such employee and upon being satisfied that his employer has not recovered such contribution from such employee.

Unemployment Insurance Act—continued

(3) The Commission may repay to any employee or his legal representative, direct or through the employer by whom the contribution has been paid, a contribution which has been paid on his behalf, or any part thereof, upon being satisfied that such contribution, or such part thereof, was paid under the erroneous belief that it was payable in respect of such employer and upon being satisfied that the employer who paid such contribution has recovered the same from him.

Application for Refund of Contributions Erroneously Paid

111. (1) Application for any refund under section 110 shall be made in a form satisfactory to the Commission within two years from the date on which the contribution was paid.

(2) Where the Commission is satisfied that in any case the contribution was paid on the direction of an officer of the Commission, or under other special circumstances, an application for a refund may be made at any time within five years from such date.

(3) Where in any case benefit has been paid to the employee, an application for a refund shall be made at any time within three years from the end of the insurance year, ending on March thirty-first, in which an application for benefit was made which resulted in the payment of benefit.

(4) No application for a refund for an amount less than fifty cents shall be considered.

(5) Refunds shall be made from the Unemployment Insurance Fund and in the case of contributions made on behalf of an employee shall be decreased by the amount of any benefit received by him.

(6) The Commission may deduct from the value of any refund any expenses arising out of such transactions or any amount due to the Fund by the employer or the employed person respectively.

(7) Where an employer makes an overpayment of contributions an inspector may refund to such employer the amount of the overpayment in cash where the amount does not exceed five dollars.

Write-Off of Contributions

112. Contributions which are due and owing to the Unemployment Insurance Fund by a person who has failed or neglected to pay such contributions may be considered by an authorized officer of the Commission no longer due and owing to the Fund, where

- (a) the contributions are owing at the time of bankruptcy from a discharged bankrupt or a deceased undischarged bankrupt;
- (b) the contributions have not been paid within five years from the date on which they became payable;
- (c) on any settlement of the affairs or estate of a person, other than those described in paragraph (a), the assets are insufficient to satisfy the contributions owing or are only sufficient to satisfy them in part; or
- (d) in accordance with instructions issued by the Commission, the contributions owing are declared to be uncollectable.

Unemployment Insurance Act—continued**Part IV****BENEFIT***Insurance Officers*

113. The Commission may from time to time determine the procedure to be followed for the consideration and examination of benefit claims and questions to be considered by an insurance officer and, without limiting the generality of the foregoing, may also determine from time to time the claims and questions which any insurance officer shall examine.

Termination of Five-year and Three-year Periods

114. (1) The five-year and three-year periods specified in section 32 of the Act shall end on the last day of the quarter preceding the commencement of the benefit year for which the computation is made.

(2) Where the first benefit year after discharge of a veteran to whom Part IV of the Act has been extended by section 12 of the Veterans Benefit Act, 1954, commences, or is considered in any computation as having commenced in the same quarter as his discharge, such periods shall end on the date of his discharge.

(3) For the purpose of this section, "quarter" means one of four parts of the year of approximately equal length, as the Commission may from time to time determine, the first of which shall commence on the Sunday nearest to April first.

Commencement of Claim Week

115. The day on which a claim week commences in respect of a claimant is Monday.

APPLICATION FOR BENEFIT

116. (1) Any claimant who desires to make a claim for benefit under paragraph (c) of section 108 of the Act shall, in such manner as the Commission may from time to time direct, fulfil the conditions imposed by sections 117 to 119 of these regulations, which shall be deemed to be additional conditions for the receipt of benefit.

(2) Any failure to make a claim in the prescribed manner shall render the claimant liable to disqualification under subparagraph (ii) of paragraph (b) of sub-section (2) of section 57 of the Act for so long as he fails to fulfil any such conditions.

(3) Any statement set out in material presented pursuant to sections 117 to 119 of these regulations, may be accepted as true unless the contrary is proved.

(4) An officer of the Commission may, pursuant to general or specific directions of the Commission, in any particular case or in any class or group of cases, dispense with or vary the requirements of any of the provisions of sections 117 to 119, and in any such case the claimant shall furnish such evidence, or attend at a local office or other place, as may be required.

Unemployment Insurance Act—continued*Initial and Renewal Claims*

117. (1) Every claimant, except a postal claimant, who desires to make an initial or renewal claim for benefit in the prescribed manner shall

- (a) attend at the local office and register for employment;
 - (b) apply for benefit at the local office on such forms as the Commission may from time to time determine;
 - (c) lodge, make arrangements to lodge or produce as and when directed, his insurance contribution records at the local office;
 - (d) furnish such evidence as may be required regarding any dependent for whom he is claiming; and
 - (e) furnish such other evidence as to the fulfilment of the conditions and the absence of disqualification for receiving benefit, as may be required, and for that purpose attend at such office or place as directed.
- (2) For the purposes of these regulations,
- (a) "initial claim" means a claim made for the purpose of establishing a claimant's benefit year; and
 - (b) "renewal claim" means a claim made during the currency of a benefit year after the claimant has failed to report on two or more consecutive claim days.

Continuing Claims

118. (1) Every claimant, except a postal claimant, who desires to make a continuing claim for benefit in the prescribed manner shall

- (a) attend at the local office at which he made his last initial or renewal claim for benefit or at such other place as may be permitted in his case and keep his application for employment alive;
- (b) produce his insurance contribution records as and when directed;
- (c) furnish such evidence as may be required that the conditions respecting the dependent for whom he is claiming have not changed or, if they have changed, furnish such evidence as may be required regarding any dependent for whom he is claiming;
- (d) as proof of being unemployed, capable of and available for work and unable to obtain suitable employment, attend at such place on such day or days and at such time or times as an officer of the Commission may direct, and furnish and sign a report to that effect; and furnish such other evidence as to the fulfilment of the conditions and the absence of disqualification for receiving or continuing to receive benefit as may be required, and for that purpose attend at such office or place as directed.

(2) For the purpose of these regulations, "continuing claim" means a claim of a continuing nature for the purpose of keeping in effect during the currency of a benefit year an initial or renewal claim by the claimant reporting at specified intervals to prove entitlement to benefit.

Postal Claimants

119. (1) Every postal claimant shall comply with the requirements of sections 116 to 118, in person, except when an officer of the Commission had directed that he may do so by mail.

Unemployment Insurance Act—continued

(2) For the purpose of fulfilling by mail the conditions laid down in paragraph (d) of section 118, he shall forward to the local office a special report signed by himself.

(3) For the purposes of these regulations, "postal claimant" means any claimant whose residence is in excess of such a distance from the local office, or whose return travelling expenses between his residence and the local office are in excess of such an amount, as the Commission may from time to time determine.

Employer to Furnish Evidence

120. Every person for whom the claimant has worked or from whom he has received remuneration, shall furnish within the time requested by an officer of the Commission any information in his possession relevant to the claim for benefit made by such claimant.

Extension of Qualifying Periods

121. (1) A claimant who requests that the qualifying periods specified in the statutory conditions be extended, as provided in subsection (3) of section 30 of the Act, shall prove any of the conditions for the granting of the extension at such time and in such manner as the Commission may from time to time direct.

(2) A claimant shall not be entitled to any such extension for any period in respect of which he was in receipt of benefit.

Antedating

122. (1) Where a claimant considers that he has good cause for delay in making a claim for benefit, and makes application to have his claim made effective from a date earlier than the date on which he made his claim, such application may be approved if he proves

- (a) that on such earlier date he has in all respects fulfilled the conditions of entitlement to benefit and was in a position to furnish proof thereof; and
- (b) that throughout the whole period between such earlier date and the date he made his claim he had good cause for delay in making such claim and furnishing such proof.

(2) For the purposes of this section, such earlier date shall in no case be more than three months from the date on which he made his claim for benefit.

Deferment of First Non-compensable Days and of Waiting Period

123. (1) The first of the days specified in paragraph (a) of subsection (1) of section 37 of the Act that occurs in a claimant's benefit year, and all of the days specified in paragraph (b) of that subsection, hereinafter referred to as "deferred days", shall be other than the first days of unemployment in that benefit year, subject to the following conditions:

- (a) his benefit year shall have commenced within fourteen days of the termination of his previous benefit year; and
- (b) any work performed or remuneration earned by the claimant in the fourteen days immediately preceding such commencement, shall have been for less than six days and for less than a full working week.

Unemployment Insurance Act—continued

(2) When these conditions are fulfilled, the deferred days shall then fall on the first days of unemployment in that benefit year occurring after the claimant has worked in that benefit year for a full working week, or on six consecutive working days or eight days in any two consecutive claim weeks.

(3) For the purpose of this section, a supplementary benefit period shall not be considered a benefit year.

PAYMENT OF BENEFIT

124. (1) Payment of benefit is made at weekly intervals.

(2) In respect of certain areas, periods and classes of claimants, as the Commission may from time to time determine, payment may be made at intervals not exceeding two weeks.

Payment at the Dependency Rate

125. (1) For the purpose of carrying out the provisions of sub-section (3) of section 33 of the Act

(a) "self-contained domestic establishment" means a dwelling house, apartment, room or other similar place in which, among other things, the dependent for whom the insured person claims, ordinarily has his residence, sleeps and has his meals or has his domicile;

(b) "connected by blood relationship" refers only to the insured person's parents, grandparents, great grandparents, children, grandchildren, great grandchildren, brothers, sisters, uncles, aunts, nephews and nieces;

(c) "connected by marriage" refers only to the parents, grandparents, great grandparents, brothers and sisters of the insured person's spouse and his stepchildren;

(d) "connection by adoption" refers only to adoption by process of law; and

(e) "adopted child" refers to a child adopted in any manner.

(2) Where the dependent mentioned in subparagraphs (i) or (iii) of paragraph (a) of subsection (3) of section 33 of the Act receives earned income (including unemployment insurance benefit) in excess of \$12 a week, and the dependent mentioned in subparagraphs (ii) or (iv) thereof receives income in excess of \$12 a week from any source, such dependent shall not be considered as being maintained wholly or mainly by the claimant or as being dependent on the claimant.

(3) Payment of benefit to a claimant at the dependency rate shall be made, in respect of a dependent domiciled and residing outside of Canada, only under the conditions prescribed for a claimant by section 127.

(4) Any statement set out in material presented pursuant to this section may be accepted as true unless the contrary is proved.

*Payments in respect of Persons of
Unsound Mind or Deceased*

126. Where any money is payable out of the Unemployment Insurance Fund to any person of unsound mind, or to any person at the time of his death, the Commission or any officer authorized in that behalf by special

Unemployment Insurance Act—continued

or general directions of the Commission may authorize payment of such money or any part thereof to any person who, in its or his opinion, is equitably entitled thereto.

*Payments in respect of Persons
Residing Outside of Canada*

127. (1) A claimant residing temporarily or permanently in any of the United States of America, shall not be disqualified for the receipt of benefit by reason only of such residence, if he is available for work in Canada and reports personally at a local office as and when an officer of the Commission may direct.

(2) A claimant residing temporarily or permanently in the Territories of Alaska or Hawaii, the District of Columbia or in any of the United States of America, with which Canada has a reciprocal agreement respecting unemployment insurance, shall not be disqualified for the receipt of benefit by reason only of such residence, if he proves entitlement to benefit under the reciprocal agreement between Canada and the United States of America contained in the Schedule hereto.

Benefit or Contributions Paid in Error

128. (1) A day for which a claimant has been paid benefit to which he was not entitled shall be taken into account for the purpose of determining his benefit rights unless the Commission has recovered the amount of such benefit.

(2) A day for which contributions have been paid in error in respect of any claimant shall not be taken into account for the purpose of determining his benefit rights unless in any particular case the Commission by resolution otherwise decides.

Ratification of Benefit Wrongly Paid

129. Sums paid by way of benefit while a claimant was not entitled thereto may be ratified by an authorized officer of the Commission, except where

- (a) there is evidence of misrepresentation or false statements on the part of the claimant or a person on his behalf; or
- (b) such sums were not paid in accordance with the rate or duration of benefit authorized by an insurance officer, unless in the opinion of an officer of the Commission they were received in good faith by the claimant.

Write-off of Benefit Wrongly Paid

130. Sums paid by way of benefit while the claimant was not entitled thereto and which are owing to the Fund, may be considered by an authorized officer of the Commission as no longer due and owing to the Fund; where

- (a) the claimant is a discharged bankrupt,
- (b) the claimant is deceased,
- (c) the sums have not been repaid to the Fund within three years from the date they were payable to the Fund,
- (d) in accordance with instructions issued by the Commission, it is considered that the repayment of the sums would result in undue hardship to the claimant, or
- (e) the aggregate of such sums does not exceed four dollars.

Unemployment Insurance Act—continued

CONDITIONS OF ENTITLEMENT

Sunday Unemployment and Employment

131. (1) Where a claimant proves to the satisfaction of an insurance officer that his religious beliefs are such that he observes the Sabbath on Saturday, and that he is unemployed on any Sunday, he is considered unemployed within the meaning of the Act on that Sunday provided he fulfils all the other conditions of entitlement to benefit in respect of that Sunday.

(2) Where a claimant has worked or earned remuneration in respect of a Sunday and his employment is not insured under the Act, he shall, for the purpose of payment of benefit only, be treated as if he were a person in respect of whom contributions were required to be recorded for the day or days described in sections 82 and 83.

Holidays

132. (1) Where a claimant would, by reason only of paragraph (c) of subsection (1) of section 31 of the Act, not be considered as unemployed during a general continuous holiday in excess of a working week, he shall nevertheless, for the purpose of the Act and these regulations, be considered as unemployed, during such holiday, on any day that occurs after the first seven calendar days of the holiday that is not a statutory holiday or a day for which he earns remuneration and this provision applies to a claimant who is temporarily laid off subject to recall within thirty days if such general holiday begins within thirty days of the lay-off, and to a short-time claimant.

(2) Where a claimant's employer does not require work to be done on the day before and the day after a statutory holiday or on either of them, the claimant, including a short-time claimant, who is so affected, shall not be considered as unemployed in respect of any such days.

(3) For the purpose of these regulations, a "short-time claimant" means one who works regularly for the same employer less than full time, and is unemployed on one or more days in any period.

Receipt of Certain Monies

133. (1) Where a claimant receives from his employer or former employer monies which fall under any of the following categories:

- (a) in consideration of the claimant undertaking to return to the employment of that employer when so required;
- (b) in accordance with a guaranteed wage plan;
- (c) for retirement leave credits; or
- (d) in lieu of notice of termination of employment;

such monies shall, for the purposes of paragraph (f) of subsection (1) of section 31 of the Act, be deemed to have been received in respect of a period, the first day of which shall occur on the first day immediately subsequent to the termination of his employment or to the last day on which he performs services for that employer, whichever is the earlier.

(2) If such monies are not equivalent to the normal daily remuneration received by him from that employer the number of days comprised in that period shall be the actual number of days in respect of which such monies are paid in the case of monies mentioned in (a), (b) and (c) and the number of such days, in the case of monies mentioned in (d),

Unemployment Insurance Act—continued

shall be ascertained by dividing the aggregate monies by the normal daily remuneration received by the claimant from that employer.

(3) For the purposes of this section,

(a) fractions of a day equal to or greater than one-half shall be taken as a full day and fractions less than one-half shall be disregarded; and

(b) "normal daily remuneration" refers to the basic daily remuneration exclusive of overtime or other abnormal factors.

134. Where a claimant, at the occasion of, or subsequent to, termination of his employment receives monies

(a) not coming within the provisions of section 133; or

(b) coming within any category mentioned in section 133 but declared not to apply for the purposes of that section by a Special Order of the Commission, made from time to time,

such monies shall, for the purposes of paragraph (f) of subsection (1) of section 31 of the Act, be deemed to have been received in respect of days prior to such termination.

Unemployed during Farming Off-season

135. A claimant, whose main employment is the operation of a farm, may prove that he is unemployed in respect of his farming operations on any day during the months of October, November, December, January, February and March (hereinafter called the "farming off-season"), if he fulfils all the other conditions of entitlement to benefit, and produces evidence that

(a) in the farming off-season for which he declares that he is unemployed and for which he is claiming benefit, he either does no work on the farm or the work performed by him thereon is so limited in extent that it does not prevent him from accepting full-time employment, and

(b) during the two off-seasons preceding the off-season in which he made such claim for benefit at least 180 contributions in the aggregate were recorded in his respect.

Benefit Payable while on Relief

136. Where a claimant performs work on any day for, and under the direct control of, a municipal or local authority, or organization set up or specially authorized for that purpose by such authority, under a scheme for the relief of needy unemployed persons, as a condition precedent to the receipt of or in return for money, a voucher or an order to purchase food, clothing, shelter, fuel or other necessities of life, he shall be deemed in respect to the performance of such work to be unemployed and available for work on any such day for the purposes of the Act and these regulations, if such authority or organization certifies that he performed the work under the said plan and that its performance did not prevent him from accepting other work.

Additional Conditions Imposed upon Certain Married Women

137. (1) In order to receive benefit for any day of unemployment which occurs within the two years immediately following the date of her marriage, every married woman shall, in respect of any such day, in addition to proving the fulfilment of all other conditions of entitlement to benefit, produce

Unemployment Insurance Act—continued

evidence satisfactory to an officer of the Commission of the fulfilment of any one of the following additional conditions:

(a) that she has worked for at least sixty days under a contract of service

(i) in excepted employment other than employment by persons connected with her by blood relationship, marriage or adoption,

(ii) in insurable employment, or

(iii) partly in such excepted employment and partly in insurable employment,

and the said sixty days of employment shall have been performed following her marriage, but if she was in employment at the time of marriage, such days of employment shall have been performed after her first separation from employment subsequent to her marriage;

(b) that her first separation after marriage from the employment in which she was engaged at the time of her marriage or her last separation from employment occurring within eight weeks prior to her marriage was in consequence of

(i) the application of her employer's rule against retaining married women in his employ,

(ii) a discharge on account of shortage of work, or

(iii) leaving voluntarily because she had just cause for reasons solely and directly connected with her employment;

(c) that her husband has died;

(d) that she has been deserted by her husband;

(e) that she is permanently separated from her husband; or

(f) that her husband is wholly incapacitated for work and that such incapacity has lasted for at least four consecutive weeks, and in such case this condition shall be deemed to have been fulfilled from the date of her claim for benefit but not prior to the commencement of the period of such incapacity.

(2) The conditions specified in paragraphs (a) to (e) inclusive of subsection (1), shall be deemed to have been fulfilled, in each case, upon the occurrence of the event or on the date of claim for benefit, whichever is the later, and when a married woman has proved the fulfilment of any one of the conditions specified in the said subsection, she need not prove such fulfilment again in the said period of two years unless she contracts another marriage.

(3) The provisions of this section do not apply in respect of the period that a married woman continues to be designated by an officer of the Commission as a short-time claimant as defined in section 132 if she was in employment at the time of her marriage and, without interruption of such employment, remains employed by the same employer on a short-time basis.

Stevedoring in Designated Ports

138. Account shall not be taken in computing a claimant's benefit rights of contributions paid in respect of employment in stevedoring in designated ports which are in excess of the number of contributions that can be recorded under section 92.

Unemployment Insurance Act—continued

ADDITIONAL CONDITIONS IMPOSED ON SEASONAL WORKERS

Seasonal Worker

139. Where in respect of the most recent thirty-six days of employment of a person prior to the commencement day of his benefit year there are ten or more days of seasonal employment, such person shall for the purposes of sections 140 to 143 be a seasonal worker.

Entitlement to Benefit for Off-season

140. (1) A seasonal worker whose principal occupation or employment is non-insurable shall be entitled to receive benefit for days on which he is unemployed in any off-season applicable in his case, only if he fulfils all the other conditions of entitlement to benefit and if

(a) he was, for at least thirty per cent of the working days in the previous off-season, employed under a contract of service

(i) in excepted employment other than employment by persons connected with him by blood relationship, marriage or adoption;

(ii) in insurable employment; or

(iii) partly in insurable employment and partly in such excepted employment; and

(b) during the off-season he makes and keeps alive an application at a local office for an employment of a kind suitable in his circumstances and normally available at that period of the year.

(2) A seasonal worker whose principal occupation or employment is insurable, whether in a seasonal occupation or not, shall be entitled to receive benefit for days on which he is unemployed in any off-season applicable in his case, only if he fulfils all the other conditions of entitlement to benefit and the condition mentioned in paragraph (b) of subsection (1).

(3) Where a seasonal worker has 135 or more contributions to his credit in the year preceding the commencement of his benefit year, his principal occupation or employment shall be deemed to be insurable employment.

Seasonal Industry Applicable

141. The seasonal industry applicable in the case of any seasonal worker shall be determined as hereunder prescribed:

(a) where the days of seasonal employment included in the thirty-six days referred to in section 139 were in respect of employment in one seasonal industry only, the seasonal industry applicable shall be that industry;

(b) where the said days of seasonal employment were in respect of employment in more than one seasonal industry, the seasonal industry applicable shall be the particular seasonal industry in which the greatest number of days of such seasonal employment occurs; and

(c) where the number of days of seasonal employment in two or more seasonal industries is equal, the seasonal industry applicable shall be the one in which the most recent day of such seasonal employment occurred.

Unemployment Insurance Act—continued

Off-seasons

142. (1) The off-season for the respective seasonal industries, and the areas in which such off-seasons are applicable, are as follows:

Transportation by water:

all Canada.....December 16 to April 14

Stevedoring (inland ports):

all Canada.....December 16 to April 14

Stevedoring (deep-sea ports).....May 16 to December 14

Lumbering and logging:

Provinces of Alberta,

Saskatchewan and Manitoba.....April 16 to October 31

Provinces of Ontario,

Quebec, New Brunswick,

Nova Scotia, Prince Edward

Island and Newfoundland.....April 1 to September 30

(2) The off-season applicable in the case of any seasonal worker shall be the off-season for the seasonal industry which has been determined to be applicable in accordance with section 141 and, within that industry, for the area which has been determined to be applicable in accordance with section 142.

(3) Where the seasonal employment was in respect of employment in more than one area, the off-season applicable shall be the off-season for the area where the employment resulting in the greatest number of days of seasonal employment took place.

(4) Where the aggregate number of such days of seasonal employment in respect of employment in two or more areas are equal, the off-season applicable shall be the off-season for the area where the employment resulting in the most recent of such days of seasonal employment took place.

143. For the purposes of sections 139 to 142:

(a) "seasonal employment" means a person's employment in a seasonal occupation carried on within a seasonal industry;

(b) "seasonal industry" means the following respective industries, which the Commission hereby declares to be seasonal industries:

(i) transportation by water on any of the inland waters of Canada, herein referred to as "transportation by water";

(ii) stevedoring in any of the inland or deep-sea ports, herein referred to as "stevedoring";

(iii) lumbering and logging in any part of Canada except the Province of British Columbia, herein referred to as "lumbering and logging";

(c) "seasonal occupation" means the occupations specified hereunder which are carried on within the respective seasonal industries;

(i) In transportation by water—all occupations carried on by members of the crew of a vessel; "members of the crew" includes the master or officer in charge of the vessel, however designated, and every person subject to his authority serving on board and contributing in any way to the welfare of the vessel, the welfare of the passengers or the crew, or care of the cargo;

Unemployment Insurance Act—continued

- (ii) In stevedoring—all occupations directly connected with the loading or unloading of a vessel in port, including the occupations of shipliners, coopers, shedmen, coal handlers, gearmen, winchmen and checkers, and any others ordinarily carried on within reach of the ship's tackle or included in an agreement between employers and employees as stevedoring;
- (iii) In lumbering and logging—all occupations carried on in the industry of lumbering and logging, including cooks and clerical and other workers directly employed at the scene of woods operations;
- (d) "inland waters of Canada" means all the rivers, lakes and other navigable fresh waters within Canada, including the River St. Lawrence as far seaward as a line drawn from Cap des Rosiers through West Point, Anticosti Island extending to the north shore, but not including any other estuaries, harbours or navigable rivers that are open for navigation all year; and for such purpose, a ship or vessel is engaged in the industry of transportation by water upon the inland waters of Canada when its operations or a substantial portion thereof normally consist of voyages upon any of the inland waters of Canada and it is ordinarily laid up during the winter months by reason of climatic conditions;
- (e) "inland port" means a port on any of the inland waters of Canada;
- (f) "deep-sea port" means the port of Halifax, Nova Scotia, and the port of Saint John, New Brunswick;
- (g) "quarter" means one of four parts of the year of approximately equal length as the Commission may from time to time determine, the first of which shall commence on the Sunday nearest to April first; and
- (h) "lumbering and logging" means the cutting, skidding, felling, hauling, scaling, banking, driving, running, rafting or booming and processing at the scene of woods operations of any logs or timber, including cord wood, cedar posts, telegraph poles, railroad ties, tan bark, pulpwood, shingle bolts and staves.

APPEALS AND REFERENCE TO COURTS OF REFEREES*Constitution of Courts of Referees*

144. (1) Courts of Referees shall be constituted by the Commission and each shall consist of a chairman appointed under subsection (2) of section 54 of the Act and one or more members of the employed persons' panel and an equal number of members from the employers' panel.

(2) A panel shall be composed of such persons as the Commission may from time to time choose for such period as it may stipulate and such membership may be terminated by the Commission at any time.

(3) As far as is practicable, members of a court, other than a chairman, shall be selected in rotation from each respective panel.

(4) No person shall be a member of a court during the consideration of a case

- (a) in which he is or has been a representative of the claimant,
- (b) by which he is or may be directly affected, or
- (c) in which he has taken any part either on behalf of an association, or as an employer, or as a witness, or otherwise.

Unemployment Insurance Act—continued

145. Any claim or question which is referred to a court may, with the consent of the claimant or the person or association in whose case the question arises, but not otherwise, be proceeded with in the absence of any member or members of the court other than the chairman.

146. An insurance officer, before deciding any question arising in connection with a claim for benefit, and the chairman of a court at any time prior to its decision, may refer the question for investigation and report to any person designated for that purpose.

Appeal to a Court

147. An appeal from a decision of an insurance officer shall be in writing, shall contain a statement of the grounds of the appeal, and shall be filed at the local office from which the claimant received notification of the insurance officer's decision.

Hearing

148. (1) A claimant may apply for a hearing where

- (a) his claim for benefit is referred to a court, within seven days from receipt of notice of the reference; or
- (b) he appeals to a court of referees from a decision of an insurance officer, at the time of filing the appeal.

(2) Application for a hearing shall be in writing and shall be filed with the local office at which the appeal is filed.

(3) Upon such application the chairman shall thereupon grant a hearing; if no such application has been made he may nevertheless direct that there shall be a hearing.

(4) In no case shall a person be entitled to be paid for travelling or other allowances for the purpose of attending the hearing unless he is requested by the chairman of the court to attend before the court.

(5) The procedure on a hearing shall be determined by the chairman.

Decision of Court

149. (1) A court shall not decide a case until a reasonable opportunity has been given to the claimant to make any representations which he desires the court to consider in making its decision and, where he fails to do so, he shall be deemed to have had such reasonable opportunity.

(2) Where any member of a court dissents from the decision of the court the reasons for his dissent shall be recorded in the report of the proceedings of the court.

(3) As soon as may be after a court has reached a decision the chairman shall file the decision of the court with the insurance officer.

(4) The claimant shall be notified in writing of the decision.

Unemployment Insurance Act—continued

APPEALS TO THE UMPIRE

150. (1) An application for leave to appeal to the Umpire under subparagraph (ii) of paragraph (c) of section 59 of the Act shall be made within twenty-one days of the date on which the decision of the court is communicated to the claimant, or within such further time as the Commission may in any particular case for special reasons allow, and in such form and manner as the Commission may from time to time direct.

(2) Within fifteen days after the receipt of any such application the chairman shall notify the insurance officer in writing of his decision and the insurance officer shall forthwith send written notice of such decision to the claimant.

151. (1) An appeal to the Umpire from the decision of a court shall be in writing, shall contain a statement of the grounds of appeal, and shall be filed at the local office from which the claimant received notification of the decision of the court of referees.

(2) Any person or association having an immediate interest in the decision may, within ten days of the date on which notice of appeal is filed or within such further time as the Umpire may in any particular case for special reasons allow, file with such local office for submission to the Umpire a statement of observations and representations for consideration by the Umpire.

152. The question as to whether any person or association has an immediate interest is one for the Umpire to decide.

Hearing

153. (1) Any person or association having an immediate interest in the decision may apply to the Umpire in writing for a hearing and the Umpire shall thereupon grant a hearing.

(2) An application to the Umpire for a hearing shall be filed at the local office at which the appeal is filed within ten days of the date on which a notice of appeal is filed, or within such further time as the Umpire may in any particular case for special reasons allow.

(3) If no application has been made he may nevertheless direct that there shall be a hearing.

(4) In no case shall a person be entitled to be paid for travelling or other allowances for the purpose of attending the hearing unless he is requested by the Umpire to attend before him.

(5) In any case in which a hearing is to be held, such notice in writing of the date, time, and place of the hearing as the Umpire may direct shall be sent to such persons or associations as the Umpire may direct.

(6) The procedure on the hearing of an appeal shall be determined by the Umpire.

Unemployment Insurance Act—continued

Decision of Umpire

154. (1) The decision of the Umpire shall be in writing and under the seal of the Registrar of the Umpire, and the Registrar shall send a copy thereof to the claimant and any other person or association having an immediate interest in the decision.

(2) The Commission may publish the decision, or a digest thereof, if and as it deems expedient.

Part V

NATIONAL EMPLOYMENT SERVICE

Notification of Employer's Requirements

155. Every employer who requires to engage an employee in insurable employment shall, unless excepted under section 156, notify the local office of such requirement forthwith after twenty-four hours have elapsed since the employment became available.

156. No such notification is required from an employer who

- (a) engages an employee pursuant to his seniority rights, or
- (b) seeks the employee within the locality in which the employer's office is situated, where that office
 - (i) is located more than twelve miles from the local office, and
 - (ii) controls directly hirings at the establishment at which the employment is available.

157. Such notification shall include

- (a) the place where, and the occupation for which, the employee is required,
- (b) a description of the duties to be performed,
- (c) the rate of wages and frequency of payment,
- (d) the number of hours to be worked each day and each week,
- (e) the probable duration of the employment,
- (f) sufficient information to describe the working conditions of the employment, and
- (g) any incidental information which the Commission may from time to time require.

Reports of Hirings and Separations

158. Every employer who has employed at least one person in insurable employment at any time during a reporting period shall, unless excepted under section 159, furnish to the Head Office of the Commission at the times specified hereunder, a Report of Hirings and Separations and other information as required by section 161.

Unemployment Insurance Act—continued

159. No such report is required from an employer for any period

(a) during which he had

(i) one establishment only, and

(ii) not more than nine persons employed therein at any one time; or

(b) in respect of which he was excepted from such requirements by an officer of the Commission, either as a member of a class or group, or individually.

160. (1) For the purposes of sections 158, 159, 161 and 164, casual employees shall not be considered.

(2) "Casual employee" means a person who is employed for a particular job or jobs of a casual nature for a period of six working days or less.

161. The report required from the employer by section 158 shall be furnished on such form as the Commission may from time to time determine and shall give the following information for both male and female employees:

(a) the number of employees actually in his employ at the beginning of the six-month period covered by the report;

(b) the number whom he has engaged during each month;

(c) the number who have separated from his employ during each month;

(d) the number in his employ at the end of each month, and

(e) any incidental information which the Commission may from time to time require.

162. One report shall be for the six-month period ending on the last day of February, and one shall be for the six-month period ending on the last day of August, in each year.

163. (1) The employer shall furnish the report semi-annually not later than the fifteenth day of the month that follows immediately after the end of the period covered by the report.

(2) An officer of the Commission may, upon application, grant an extension of time for furnishing a report.

164. The report shall be furnished separately in respect of each establishment in which the employer had one or more insurable employees at any one time during the reporting period, but the employer may furnish one consolidated report in respect of more than one establishment for any reporting period during which he had more than one establishment,

(a) where such establishments

(i) are situated in the same city or town, and

(ii) relate to the same kind of business, or

(b) where, upon application, authorization to do so is given by an officer of the Commission.

Unemployment Insurance Act—continued

Schedule

*Agreement Between Canada and the United States Respecting
Unemployment Insurance*

(Made under authority of P.C. 1081, of February 13, 1942)
(In force since April 12, 1942)

Article I

- (a) In this agreement, unless the context otherwise requires,
- (i) “agency” means any officer, board, commission or other authority designated by an Unemployment Insurance Law in force in any state or in Canada to administer the Unemployment Insurance Fund for which provision is made by such Unemployment Insurance Law;
 - (ii) “state” means any state of the United States of America, the territories of Alaska and Hawaii, and the District of Columbia;
 - (iii) “Federal agency” means the agency authorized to administer those provisions of the laws of the United States of America which relate to the Federal-State unemployment insurance program.
(Amended effective April 1, 1951.)
 - (iv) “jurisdiction” means any State or Canada.
- (b) Services performed by an individual for an employer shall be deemed to be localized within a jurisdiction if—
- (i) such services are performed entirely within such jurisdiction, or
 - (ii) such services are performed both within and without such jurisdiction, but the services performed without such jurisdiction are incidental to the individual’s services performed within such jurisdiction, for example, are temporary or transitory in nature or consist of isolated transactions.

Article II

This agreement shall not be applicable to employment with respect to which contributions are payable under the Railroad Unemployment Insurance Act of the United States of America or to the periods of unemployment with respect to which benefits are payable under that Act.

Article III

The Government of the United States of America agrees that the Federal agency will recommend to each of the states that it carry out the provisions herein contained and Canada agrees to carry out such provisions: Provided that if any state does not substantially carry out any such provisions, the Unemployment Insurance Commission of Canada may suspend the operation of such provisions with reference to such state.
(Amended effective April 1, 1951.)

Unemployment Insurance Act—continued*Article IV*

- (a) An individual's entire services for an employer in insurable employment as defined in the unemployment insurance law of a jurisdiction will be insured under the unemployment insurance law of such jurisdiction in respect of services performed by him within, or both within and without such jurisdiction if—
- (1) his services are localized in such jurisdiction, or
 - (2) his services are not localized in any jurisdiction but some of his services are performed in such jurisdiction, and
 - (i) his base of operations, or if he has no base of operations, the place from which his services are directed or controlled, is in such jurisdiction, or
 - (ii) his base of operations or the place from which his services are directed or controlled is not in any jurisdiction in which some of his services are performed, but his residence is in such jurisdiction.
- (b) If clauses one and two of paragraph (a) of this article do not apply with respect to an individual's services, the agency of any jurisdiction may approve, subject to such conditions as it may prescribe or as may be prescribed by its unemployment insurance law, an election by such individual's employer pursuant to which such individual's entire services for that employer shall be deemed to be insured employment under the unemployment insurance law of such jurisdiction.

Article V

The agency of any jurisdiction may perform services for the agency of any other jurisdiction in the taking and development of any claim for benefits by an individual absent from such latter jurisdiction and desirous of claiming benefits under the unemployment insurance law of such jurisdiction.

Article VI

To avoid the duplication of unemployment insurance payments with respect to the same period of unemployment, the order in which an individual who has benefit rights under the unemployment insurance laws of two or more jurisdictions shall exhaust or otherwise terminate his rights to benefits shall be determined jointly by the Federal agency of the United States of America and the Unemployment Insurance Commission of Canada in such manner as to be reasonable and just as between all affected interests. (Amended effective April 1, 1951.)

Article VII

This agreement may be amended by mutual arrangement evidenced by an exchange of notes between the two Governments, and may be terminated by either Government after sixty days' notice to the other Government.

Unemployment Insurance Act—continued**2. Unemployment Insurance Commission Special Orders**

Made by the Unemployment Insurance Commission on the 14th December 1954 effective on the 31st day of December 1954.

Special Order No. I

By this Special Order made by The Unemployment Insurance Commission, pursuant to the provisions of paragraph (b) of Part I of the Schedule to the Unemployment Insurance Act, the Commission hereby excludes from the provisions of subparagraph (iii) of the said paragraph:

Employment by any municipal authority

- (a) when the remuneration is solely by credit on relief or taxes;
- (b) when the work done for the municipal authority is done as a condition precedent to the grant of cash or voucher relief; or
- (c) when the services rendered to the municipal authority are rendered pursuant to a duty imposed by the law of the province;

other than employment of persons on public works or undertakings arranged for the purpose of removing persons from relief rolls, when the rates of remuneration and conditions of employment on such public works or undertakings are similar to the rates of remuneration and conditions of employment on regular employment by such municipal authority.

Special Order No. II

1. By this Special Order made by The Unemployment Insurance Commission pursuant to the provisions of paragraph (j) of Part II of the Schedule to the Unemployment Insurance Act, the Commission hereby specifies the following employment in the public service of Canada or a province or by a municipal authority (other than employment in connection with a public utility) as permanent employment for the purposes of the said Act and regulations made thereunder:

Employment of a person who has been employed by his employer for at least three consecutive years in a position or positions requiring full-time service for not less than eight months in each year, in which service he is expected to continue for an indeterminate period.

2. For the purpose of this Special Order any person who before the coming into force of this Special Order, has been certified to the satisfaction of the Commission as having been employed in any employment specified as permanent by the Special Order then in force, shall be deemed to be employed in an employment specified as permanent by this Special Order.

Special Order No. III

By this Special Order made by the Unemployment Insurance Commission pursuant to the provisions of subsection (1) of section 52 of the Unemployment Insurance Regulations, the Commission hereby

- (a) designates the following ports as ports where contributions shall be payable on the basis of divisors for employment in stevedoring; and

Unemployment Insurance Act—continued

- (b) determines the following amounts as the divisors that shall apply respectively where the basic wage rate for stevedoring is the rate shown hereunder:

Port	Hourly Rate	Divisor
		\$
Halifax, N.S.....	{ Less than \$1.70.....	12
	{ \$1.70 and over.....	14
Saint John, N.B.....	{ Less than \$1.10.....	8
	{ \$1.10 and over.....	11
St. John's, Nfld.....	{ Less than \$1.10.....	7
	{ \$1.10 and over.....	9
Montreal, Que.....	{ Less than \$0.99.....	8
	{ \$1.00 to \$1.29.....	10
	{ \$1.30 to \$1.69.....	12
	{ \$1.70 and over.....	14
Quebec, Que.....	{ Less than \$1.30.....	9
	{ \$1.30 to \$1.70.....	10
	{ More than \$1.70.....	12
Sorel and Three Rivers, Que.....	{ Less than \$0.85.....	5
	{ \$0.85 to \$1.10.....	7
	{ \$1.11 to \$1.30.....	9
	{ More than \$1.30.....	12
Vancouver, New Westminster and other coast ports for which records are maintained at Vancouver, B.C.....	{ \$1.15 to \$1.54.....	10
	{ \$1.55 to \$1.90.....	12
	{ \$1.91 to \$2.35.....	18
	{ More than \$2.35.....	22
Victoria, Port Alberni and other ports on Vancouver Island for which records are maintained at Victoria, B.C.....	{ \$1.15 to \$1.54.....	10
	{ \$1.55 to \$1.90.....	12
	{ \$1.91 to \$2.35.....	20
	{ More than \$2.35.....	22

Special Order No. IV

By this Special Order made by the Unemployment Insurance Commission pursuant to the provisions of section 51 of the Unemployment Insurance Regulations, the Commission hereby determines that the employment of railway employees who are paid on a mileage basis comes within the provisions of that section and hereby determines the divisors as follows:—

By dividing the number of dollars earned by any such employed person in a month

- (a) for engineers, motormen and conductors, by 18;
- (b) for firemen, helpers and trainmen, by 14; and
- (c) for employees performing services in the same month as both engineers or motormen and firemen or helpers, or conductors and trainmen, by 16.

Special Order No. V

By this Special Order made by the Unemployment Insurance Commission pursuant to the provisions of section 22 of the Unemployment Insurance Act, the Commission hereby provides as follows:—

- (1) Where any person, engaged under a contract of service by an employer, performs any work in connection with any operations in lumbering and logging, in any logging limits, driveways, yards or mills, the owner thereof who authorizes the employer to undertake the work shall, in addition to such employer, be deemed to be the employer of such person for the purpose of the payment of contributions under the Act and regulations.

Unemployment Insurance Act—concluded

- (2) For the purposes of this Special Order,
- (a) “owner” means any owner, other than the Crown, lessee, licensee or permittee, but does not include one who only sells or rents stumpage or cutting rights; and
- (b) “lumbering and logging” means the cutting, skidding, felling, hauling, scaling, banking, driving, running, rafting or booming, and processing at the scene of woods operations, of any logs or timber, including cord wood, cedar posts, telegraph poles, railroad ties, tan bark, pulpwood, shingle bolts and staves.

Special Order No. VI

By this Special Order made by the Unemployment Insurance Commission pursuant to the provisions of section 67 and 53 of the Unemployment Insurance Regulations, the Commission hereby determines that where any person is employed in lumbering and logging and is paid

- (a) by the piece,
- (b) on a share basis,
- (c) on the basis of some other consideration whereby he provides, in addition to his services, such machinery or equipment as may be necessary for the performance of those services, or
- (d) on some other similar basis,
- contributions shall be payable on the following basis:
- (i) the rate of contributions shall be the rate specified for the class of persons earning \$48 or more in a week; and
- (ii) where no records are available to determine the number of days on which he performed services, contributions shall be payable in respect of any pay period for a number of days to be ascertained by dividing the total amount of logs or timber scaled, by the following divisors:

Rough pulp—Cutting only	1½ cords
Cutting and sap peeling	1 cord
Cutting and dry shaving	$\frac{3}{4}$ cord
Cutting sawlogs	1,000 ft. BM

UNITED NATIONS ACT. (R.S.C., 1952, c. 275)

No regulations have been made under this statute.

VETERANS ASSISTANCE COMMISSION ACT. (1936, c. 47)

No regulations have been made under this statute.

VETERANS' BUSINESS AND PROFESSIONAL LOANS ACT.
(R.S.C., 1952, c. 278)

Veterans' Business and Professional Loans Regulations

P.C. 1954-1752

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the Veterans' Business and Professional Loans Act, is pleased to order as follows:

1. The Veterans' Business and Professional Loans Regulations, established by Order in Council P.C. 5730 of 10th November, 1949, as amended, are hereby revoked; and

2. The annexed "Veterans' Business and Professional Loans Regulations" are hereby made and established in substitution for the regulations hereby revoked.

THE VETERANS' BUSINESS AND PROFESSIONAL LOANS REGULATIONS

1. These regulations may be cited as the *Veterans' Business and Professional Loans Regulations*.

2 (1) For the purposes of the Act and these regulations,

(a) "authorized representative of the Minister of Veterans' Affairs" means a District Administrator of the Department of Veterans Affairs or any other person authorized by the Minister of Veterans Affairs to act as his representative; and

(b) "responsible officer of the bank" includes the manager, assistant manager or accountant of a branch of the bank or the person for the time being acting as such a manager, assistant manager or accountant.

(2) In these regulations,

(a) "Act" means the Veterans' Business and Professional Loans Act; and

(b) "motorized unit" means any power-driven conveyance for use on land, water or in the air.

(3) For the purpose of the Act and these regulations, a veteran who is the mortgagor, joint mortgagor, purchaser or joint purchaser under an agreement for sale, joint owner or tenant in common of land shall be deemed to be the owner of the land.

3. Whenever under these regulations any matter or thing is in the discretion of a bank, such discretion may be exercised by a responsible officer of the bank.

Veterans' Business and Professional Loans Act—continued

4. Pursuant to paragraph (c) of subsection (1) of section 8 of the Act the following are prescribed as purposes deemed to benefit a veteran's business, or the business of a partnership in which a veteran is a partner, namely,

- (a) the purchase of a motorized unit for use by the veteran in his business or in the business of a partnership in which he is a partner;
- (b) the purchase of land for the construction, repair or alteration of or making of additions to any building or structure used or to be used in the carrying on of a veteran's business or in the business of a partnership in which he is a partner; and
- (c) the purchase of any building or structure with or without the land on which it is situated, used or to be used in the carrying on of his business or in the business of a partnership in which he is a partner.

5. No loan shall be made by a bank pursuant to the Act, unless

- (a) application is made by the veteran in accordance with Schedule A to these regulations;
- (b) the loan is repayable in equal instalments that are payable not less frequently than quarterly; and
- (c) the principal amount of the loan applied for does not exceed two-thirds of the proposed total expenditure by the veteran for the purpose stated in the application.

6. Subject to the provisions of the Act and these regulations, a loan made by a bank is a guaranteed loan if the loan is made for one of the following purposes, namely,

Purchase of a Business

- (a) for the purchase of a business other than the purchase of an interest in an existing partnership or the advance of capital for a new partnership, if
 - (i) evidence in writing of the proposed contract for purchase of a business, setting out the total cost as shown in paragraph (2) of the application, is submitted by the veteran with his application;
 - (ii) the bank requires the veteran to agree to deliver to the bank receipts or paid cheques evidencing payment, by the veteran to the seller of the business, of the total cost thereof as set out in paragraph (2) of the application; and
 - (iii) in the case of a loan in excess of \$1,000 security is taken, at the time the loan is made, by way of mortgage or hypothec upon, or an assignment of the rights and interest of the veteran as purchaser of, any real or immovable property of which title passes to the veteran or of which he acquires a right of purchase as part of the business purchased, but this condition applies only where the net value of such real or immovable property as shown in the financial statement required by paragraph (2) of the application exceeds 1,000;

Veterans' Business and Professional Loans Act—continued*Purchase of an Interest in Existing Partnership or Advance of Capital for New Partnership*

- (b) for the purchase of an interest in an existing partnership or the advance of capital for a new partnership, if
 - (i) evidence in writing of the proposed contract for purchase of an interest in the existing partnership or the advance of capital for the new partnership, setting out the total cost as shown in paragraph (2) of the application, is submitted by the veteran with his application;
 - (ii) the bank requires the veteran to agree to deliver to the bank receipts or paid cheques evidencing payment, by the veteran to the seller, of the total cost, or that the veteran has made the said advance of capital, as set out in the financial statement required by paragraph (2) of the application; and
 - (iii) in the case of a loan in excess of \$1,000 to a veteran who states in his application that he will acquire at least a half-interest in the said partnership, security is taken, at the time the loan is made, by way of mortgage or hypothec upon any real or immovable property belonging to the partnership in which the veteran acquires an interest under the partnership agreement or by way of an assignment of the rights and interest of the partnership as purchasers of any real or immovable property, but this condition shall apply only where the net value of such real or immovable property as shown in the financial statement required by paragraph (2) of the application exceeds \$1,000;

Purchase or Repair of Machinery, Tools, Instruments or Other Equipment Except a Motorized Unit

- (c) for the purchase or repair of machinery, tools, instruments or other equipment but not including a motorized unit, if
 - (i) in the case of a loan for the purpose of financing such purchase (not repairs), evidence in writing of the proposed purchase of the machinery, tools, instruments or other equipment, setting out the total cost as shown in paragraph (2) of the application, is submitted by the veteran with his application;
 - (ii) the bank requires the veteran to agree to deliver to the bank receipts or paid cheques evidencing payment, by the veteran to the seller, of the total cost of such machinery, tools, instruments or other equipment, and to the extent that the said repairs, except for small amounts representing the cost of casual or miscellaneous purchases, is made up of the cost of parts or materials evidencing payment, by the veteran to the seller, of the total cost thereof as set out in paragraph (2) of the application; and
 - (iii) in the case of a loan in excess of \$1,000, security by way of chattel mortgage is taken on the machinery, tools, instruments or other equipment if the loan is made in any province where such security in this form may be taken;

Veterans' Business and Professional Loans Act—continued

*Construction, Repair or Alteration of or Additions to Buildings
or Structures and Related Purchase of Land*

- (d) for the construction, repair or alteration of or making of additions to any building or structure and the purchase of land for any such purpose, if
 - (i) the veteran is or is to become the owner of the land in respect of which all or part of the proceeds of the loan are to be expended or holds a lease covering such land extending at least five years beyond the term of the loan applied for;
 - (ii) where the veteran contracts with any person for the construction, repair or alteration or the making of additions, evidence in writing of the proposed contract setting out the total cost as shown in paragraph (2) of the application is submitted by the veteran with his application;
 - (iii) the bank requires the veteran to agree to deliver to the bank receipts or paid cheques evidencing that where there is such contract the veteran has paid to the contractors the total cost as set out in paragraph (2) of the application or, where all or part of the proceeds of the loan are to be used in purchase by the veteran of building materials, that except for the cost of casual or miscellaneous purchases, the veteran has paid to the seller of the building materials the total cost thereof as set out in paragraph (2) of the application; and
 - (iv) in the case of a loan in excess of \$1,000, security is taken upon the land in respect of which all or part of the proceeds of the loan are to be expended by way of mortgage or hypothec or an assignment of the rights and interest of the veteran as purchaser under an agreement for sale, but this condition shall not apply where the borrower has only a leasehold interest;

Purchase of Motorized Unit

- (e) for the purchase of a motorized unit, if
 - (i) the bank requires the veteran to agree to deliver to the bank receipts or paid cheques evidencing payment by the veteran to the seller of the motorized unit, of the total cost thereof as set out in paragraph (2) of the application;
 - (ii) security by way of chattel mortgage is taken on the motorized unit if the loan is made in any province where security in this form may be given; and
 - (iii) the term of the loan does not exceed a maximum period of eighteen months;

Purchase of Building or Structure with or without Land

- (f) for the purchase of any building or structure, with or without the land on which it is or is to be situated, if
 - (i) the veteran is or is to become the owner of the land in respect of which all or part of the proceeds of the loan are to be expended or holds a lease covering such land extending at least five years beyond the term of the loan applied for, and evidence in writing of the contract or proposed contract

Veterans' Business and Professional Loans Act—continued

therefor setting out the total cost as shown in paragraph (2) of the application, is submitted by the veteran with his application;

- (ii) the bank requires the veteran to agree to deliver to the bank receipts or paid cheques evidencing payment by the veteran to the seller, of the total cost of the purchase; and
- (iii) in the case of a loan in excess of \$1,000, security is taken by way of a mortgage or hypothec upon the land, if any, so purchased, or on any land owned by the veteran to which the building or structure becomes affixed, but this condition shall not apply where the borrower has only a leasehold interest;

Payment Into Funds of Partnership

- (g) for the making of a payment by a veteran into the funds of a partnership of which he is partner, if
 - (i) the partnership business is the main occupation of the veteran and he participates actively in it;
 - (ii) the moneys paid by the veteran into the funds of the partnership are to be expended by the partnership for any purpose set out in paragraph (a), (c), (d), (e), or (f) of section 6, and the conditions set out therein are complied with by the partnership; and
 - (iii) the partnership and all partners in the partnership sign as co-makers the promissory note for the loan.

EXPENDITURE BY VETERAN BETWEEN JANUARY 1, 1946, AND JANUARY 15, 1947

7. Where a veteran, or a partnership business of which he is a partner, produces receipts or paid cheques evidencing that he or it has made an expenditure for any purpose set out in paragraph (a), (b), (c), (d), (e), (f) or (g) of section 6 between the 1st day of January, 1946, and the 15th day of January, 1947, inclusive, the amounts so expended shall be deemed to be part of the total expenditure of the veteran for the purpose stated in the application, but the amount so deemed shall not exceed one-third of the total expenditure and shall have been in respect of the same business.

SECURITY—REAL ESTATE JOINTLY OWNED

8. Where a veteran is a joint mortgagor, joint purchaser, joint owner or tenant in common of land and these regulations require security to be taken, by way of mortgage or hypothec upon the land or by way of assignment of the agreement for sale, the mortgage, hypothec or assignment shall be given or entered into by the joint mortgagors, joint purchasers, joint owners, or tenants in common as the case may be.

CHATTEL MORTGAGE SECURITY

9. Where security by way of chattel mortgage in favour of His late Majesty the King or Her Majesty the Queen in right of Canada is or has been given pursuant to these regulations, any affidavit of *bona fides* or renewal of the chattel mortgage may be made or executed by a responsible officer of the bank or by an authorized representative of the Minister of Veterans Affairs, but nothing in these regulations shall be deemed to make applicable to Her Majesty any legislation requiring the registration of bills of sale.

Veterans' Business and Professional Loans Act—continued**OTHER SECURITY FOR LOAN**

10. (1) Except as otherwise provided in this section, a bank shall not be required to take any security other than that required by section 6.

(2) Where a borrower makes default in any payment in respect of an unsecured loan or where before default the bank and the borrower agree, pursuant to section 19, to a revision or alteration of any of the terms of an agreement in connection with an unsecured loan, the bank shall, where practicable, require the borrower to give such security on real or personal property of the borrower as a responsible officer of the bank considers appropriate in the circumstances.

(3) In any case other than a case to which subsection (2) applies, where, in the opinion of a responsible officer of the bank, security or further security is required or advisable, the bank may take such security as a responsible officer of the bank considers appropriate in the circumstances.

11. The bank may,

- (a) as a condition to granting a loan require the borrower to insure any property purchased or to be purchased with the proceeds of the loan, or
- (b) carry insurance to cover any loss sustained by the bank as a result of the loan and charge the borrower with the cost of such insurance.

12. Subject to such terms and conditions as the Minister deems advisable to protect the interests of Her Majesty and notwithstanding that the loan in respect of which the borrower applies for release of security has not been repaid in full,

- (a) the Minister may discharge or partially discharge a chattel mortgage given by the borrower in favour of His late Majesty the King or Her Majesty the Queen in right of Canada; and
- (b) the bank, with the approval of the Minister given pursuant to a recommendation of the bank, may release or partially release any security taken by the bank.

APPLICATION FOR LOAN

13. (1) An applicant for a loan shall submit to the bank a signed application in accordance with Schedule A.

(2) A responsible officer of the bank shall scrutinize and check the application with the care required of him by the bank in the conduct of its ordinary business, and if he is satisfied that the conditions and purposes of the loan are such as to qualify it for guarantee under the Act, he shall certify the application to that effect.

(3) Where an application is certified pursuant to subsection (2), an application and a copy thereof shall be forwarded by the bank to the Minister of Veterans Affairs or his authorized representative, and no loan shall be made pursuant to such application until it has been concurred in, in writing, by the Minister of Veterans Affairs or his authorized representative.

(4) All applications, or copies thereof, in respect of which loans are or have been made in each quarterly period shall be sent to the Minister of Finance with the quarterly report required by subsection (1) of section 21.

Veterans' Business and Professional Loans Act—continued

(5) Where there is added to an application, for the purposes of paragraph (2) of the application, a statement that the relative loan is required for a purpose set out in paragraph (f) or (g) of section 6, such application shall be deemed to be in accordance with Schedule A.

PROMISSORY NOTES

14. Promissory notes for loans made shall be in accordance with Schedule B.

OFFENCES

15. If it comes to the knowledge of a responsible officer of the bank that a person has made in an application for a loan a statement that is false in any material respect or has used or is using the proceeds of a loan for a purpose other than that stated in his application for the loan, or, while indebted to the bank under a loan, has encumbered or disposed of or is encumbering or disposing of any property purchased with the proceeds of the loan without the consent in writing of the bank, the bank may take any action which it deems proper in the circumstances and shall immediately report the situation to the Minister who may request the bank to take such action or further action as he considers advisable or appropriate.

LIABILITY OF MINISTER UNAFFECTED

16. Where, notwithstanding that an application has been scrutinized and checked by a responsible officer of the bank with the care required of him by the bank in the conduct of its ordinary business, it is discovered that a false material statement has been made therein or that the proceeds of the loan have been or are being used otherwise than for the purpose specified in the application, the liability of the Minister to the bank under the Act shall not for such reason be discharged to any extent.

TERMS OF LOAN

17. (1) Subject to paragraph (f) of subsection (1) of section 4 of the Act and subparagraph (iii) of paragraph (e) of section 6 of these regulations, the term of the loan shall be fixed by the bank, which shall use its best endeavours to see that the term and the amount and frequency of instalment payments conform with the borrower's probable ability to pay, having regard to the type of business carried on or to be carried on by him and to any special circumstances.

(2) Except in cases where, in the opinion of the bank, it is inadvisable to do so, loans shall be made in accordance with the following schedule:

<i>Loans not exceeding</i>	<i>Maximum term</i>
\$ 200	18 months
400	2 years
750	3 years
1,250	4 years and 6 months
2,000	7 years
3,000	10 years

WHEN ENTIRE AMOUNT BECOMES DUE AND PAYABLE

18. Where the borrower is in default in respect of any payment the entire amount of the balance outstanding on the loan shall, at the option of the bank, thereupon become due and payable.

Veterans' Business and Professional Loans Act—continued

REVISION OF TERMS OF LOAN

19. (1) Where a borrower is in default or advises the bank that some of the terms of the agreement in connection with his loan are such that he will have to default, and where in either case the bank is of opinion that a revision or alteration of some of the terms of the agreement will enable the borrower to meet his obligation, the bank may, with the approval of the borrower, alter or revise the agreement in any or all of the following ways, namely,

- (a) by extending the time within which the loan must be entirely repaid, notwithstanding that such extension exceeds the term prescribed by paragraph (f) of subsection (1) of section 4 of the Act or subparagraph (iii) of paragraph (e) of section 6 of these regulations;
- (b) by reducing the amount of the periodic instalments or by increasing them if they are to be paid less frequently; or
- (c) by increasing or decreasing the periods between such instalments, but in no case shall instalments be due less frequently than every six months.

(2) Where the terms of the altered or revised agreement do not exceed the limitations prescribed by paragraph (f) of subsection (1) of section 4 of the Act or subparagraph (iii) of paragraph (e) of section 6 of these regulations, the liability of the Minister to the bank under the Act shall not be discharged to any extent if the bank notifies the Minister of such alteration or revision and the reasons therefor by registered letter mailed within thirty days after the alteration or revision becomes effective.

(3) Where the terms of the altered or revised agreement would result in the limitations prescribed by paragraph (f) of subsection (1) of section 4 of the Act or subparagraph (iii) of paragraph (e) of section 6 of these regulations being exceeded, the agreement shall not become effective until the bank has notified the Minister of the proposed alteration or revision and has received the Minister's approval thereof, and where such approval is given the alteration or revision shall not discharge to any extent the liability of the Minister to the bank under the Act.

PROCEDURE ON DEFAULT

20. Where the entire amount of the balance outstanding on a loan is due and payable by reason of default by the borrower in respect of any payment, the bank may take such steps as it considers advisable, including the institution of legal proceedings,

- (a) to effect collection of the outstanding balance,
- (b) to obtain additional security,
- (c) to realize upon the security, and
- (d) to effect a compromise with or grant concessions to any person other than the borrower,

to the extent that it considers advisable, but nothing done by a bank pursuant to this section shall discharge, to any extent, the liability of the Minister to the bank under the Act.

REPORTS TO MINISTER

21. (1) The bank shall prepare and mail to the Minister by ordinary post within thirty days following the last days of March, June, September and December, respectively in each year, quarterly reports in accordance with Schedule C showing particulars of loans made in the quarterly period.

Veterans' Business and Professional Loans Act—continued

(2) The bank shall prepare and mail to the Minister by ordinary post within thirty days following the last days of March, June, September and December, respectively, in each year, quarterly reports in accordance with Schedule D showing particulars of loans in default for over sixty days.

(3) The bank shall furnish such other information as the Minister may from time to time require.

CLAIMS

22. A claim for loss sustained by a bank in respect of a guaranteed loan may be made to the Minister at any time not less than ninety days after the entire amount of the loan becomes due and payable, whether such amount becomes due and payable by reason of default on the part of the borrower, or otherwise.

23. (1) The amount of loss sustained by a bank in respect of a guaranteed loan for which claim for loss is submitted shall include:

- (a) the unpaid amount of the loan;
- (b) the uncollected earned interest calculated at the rate of two and one-half per cent per annum until the claim is approved for payment;
- (c) any uncollected taxed or taxable costs and any disbursements for or incidental to legal or other proceedings in connection with the loan; and
- (d) legal fees, costs and disbursements, whether taxable or not, actually incurred by the bank, whether with or without litigation, in collecting or endeavouring to collect outstanding loans or in protecting the interests of the Minister, but only to the extent that such fees, costs and disbursements are taxed and allowed by the Deputy Minister of Justice.

(2) A claim for loss shall be submitted to the Minister by the bank in accordance with Schedule E.

(3) Where a claim for loss is in accordance with the Act and these regulations, it shall be approved for payment by the Minister within sixty days after receipt thereof and shall be paid forthwith.

(4) Where payment of the amount of loss in respect of a guaranteed loan is made by the Minister to the bank it shall execute a receipt in favour of the Minister in accordance with Schedule F, and such receipt shall be mailed to the Minister by ordinary post together with the promissory note or notes signed by the borrower, and the bank shall deal with any security held by it for the said loan as the Minister may direct and at his expense.

24. Where a bank claims for loss in respect of a guaranteed loan and the Minister is satisfied that

- (a) the bank has not delivered to the Minister substantially all of the amount and kind of receipts or paid cheques that the veteran is required to deliver to the bank under the agreement made by him with the bank pursuant to these regulations; and
- (b) the proceeds of the loan were not used by the veteran substantially for the purpose set out in paragraph (2) of the application for the loan,

Veterans' Business and Professional Loans Act—concluded

the amount of loss in respect of the part of the loan that the Minister is satisfied was not used substantially for the purpose set out in the said paragraph (2) shall, notwithstanding section 23, be deemed to be fifty per cent of the amount claimed in respect of the said part.

RECOVERIES

25. (1) A bank shall, on behalf of the Minister, and notwithstanding that its claim for loss is paid in full, take such steps as the Minister considers reasonable and necessary to collect payment of principal and interest and taxed costs due by the borrower, and to realize upon any security held pursuant to these regulations.

(2) The amounts collected or realized by the bank pursuant to subsection (1) shall be remitted to the Minister every six months.

(3) The actual expenses incurred by the bank pursuant to subsection (1) shall be paid by the Minister.

REGISTRY

26. The Minister shall maintain a registry for the purpose of recording loans made under the Act.

Forms

Copies of the forms contained in Schedules A to F of these regulations may be obtained on application to any Branch of a Chartered Bank in Canada.

VETERANS INSURANCE ACT. (R.S.C., 1952, c. 279)

Veterans Insurance Regulations

P.C. 1954-1392

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 17th day of September, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Veterans Affairs and pursuant to the Veterans Insurance Act, is pleased to order as follows:

1. The Veterans Insurance Regulations, established by Order in Council P.C. 3662 of 31st July, 1952, as amended, are hereby revoked; and

2. The annexed "Veterans Insurance Regulations" are hereby made and established in substitution for the regulations hereby revoked.

Veterans Insurance Act—continued

VETERANS INSURANCE REGULATIONS

1. These regulations may be cited as the *Veterans Insurance Regulations*.

2. (1) In these regulations,

(a) "Act" means the Veterans Insurance Act;

(b) "Minister" means the Minister of Veterans Affairs;

(c) "policy" means a contract of insurance entered into by the Minister under the Act; and

(d) "Superintendent" means the Superintendent of Veterans Insurance.

(2) Any other word or phrase that is defined in the Act and used in these regulations shall, for the purposes of these regulations, have the same meaning as that given to it in the Act.

3. Every policy shall be

(a) in the form set out in the Schedule hereto;

(b) signed by the Minister or bear his facsimile or lithographed signature;

(c) countersigned by the Superintendent; and

(d) subject to any endorsements thereon or attached thereto that are signed by the Superintendent.

4. All moneys due under any policy are payable in the City of Ottawa in the Province of Ontario.

5. (1) Premiums under any policy are due and payable monthly and the due date of all monthly premiums is the first day of the month.

(2) Premiums may be paid quarterly, semi-annually or annually in advance and where so paid are respectively three, six and twelve times the monthly premium.

(3) A period of one month shall be allowed for the payment of any premium after the first without interest charge, during which period the policy shall continue in force, but if the insured dies during such period the premium, if then unpaid, shall be deducted from the insurance money payable under the policy contract; Provided that such period of grace shall not apply when the only premium that has been paid is an interim premium for a period of less than one month.

(4) Payment of a premium may be made by placing the amount thereof in an envelope addressed to the Department of Veterans Affairs, Ottawa, or to any District Office of that Department and the payment, delivery or tender shall be deemed to have been made at the time of delivery of the letter at any post office, but nothing herein contained shall prevent proof by or on behalf of any insured that a payment otherwise made was made before the expiry of the period of grace.

(5) Payment, delivery or tender as aforesaid shall have the same effect as if made at the due date of the premium.

Veterans Insurance Act—continued

(6) Where, during any period for which the premium has been paid, the insured dies or the policy is surrendered for its cash value, there shall be refunded in the settlement of the policy that portion of the premium paid for such period that corresponds to the unexpired portion of the period, such portion to date from the end of the calendar month in which the policy is terminated by death or surrendered.

6. (1) In this section, "interim term insurance" means insurance subject to the terms and conditions of the policy for which application is made, in respect of a period of less than one month commencing at such time as the first monthly premium is paid and terminating upon the due date of such premium.

(2) Interim term insurance may be provided upon payment, at such time as the first monthly premium is paid, of an interim term premium computed on the same mortality basis as the monthly premium.

7. A cash surrender value based on the policy reserve on the British Offices Life Tables, Om (5), with interest at three and one-half per cent per annum, is, where the Superintendent is satisfied as to the circumstances of the case, payable to the insured where

- (a) the policy has been in force at least two years and premiums have been paid for at least two years;
- (b) a written application therefor is made to the Superintendent
 - (i) by the insured, and
 - (ii) by the beneficiary or beneficiaries, except where his or their whereabouts is unknown or cannot be ascertained by the insured after a search satisfactory to the Superintendent; and
- (c) the policy is returned to the Superintendent for cancellation or retention.

8. Where a person is insured

- (a) under more than one policy under the Act but is not insured under The Returned Soldiers' Insurance Act, and, as a consequence of the death of that person, a pension becomes payable as described in section 10 of the Act; or
- (b) under the Act and under The Returned Soldiers' Insurance Act under two or more policies and, as a consequence of the death of that person, a pension becomes payable as described in section 10 of the Act and also as described in section 10 of The Returned Soldiers' Insurance Act;

the deduction to be made in respect of that pension from the amount of insurance in any such policy shall equal the value of the proportion of the pension that is equal to the ratio of the amount of insurance in that policy to the total amount of insurance in all such policies of the insured.

9. (1) The age, identity, existence or death of persons shall be proved by such documents or other evidence as the Minister may require.

(2) Where proof of age is furnished during the lifetime of the insured, the age may be admitted by an authorized endorsement on the policy.

Veterans Insurance Act—continued

Schedule

CANADA

Age..... No.....

This Policy Witnesseth that Pursuant to the

VETERANS INSURANCE ACT

The Government of Canada hereby insures the life of.....

.....
(hereinafter called the insured)

subject to the following terms, provisions and conditions:

Plan—Life—Premiums payable.....

Amount of Insurance

..... Dollars.

When Payable

Upon receipt of satisfactory proof of death of the insured and discharge of this contract.

How and to whom payable

(a) Payable at death Dollars as follows:
Toof the insured,
..... Dollars.
Toof the insured,
..... Dollars.

(b) Remainder of Dollars as follows:
Toof the insured,
.....Dollars to be applied to purchase an annuity
Toof the insured,
.....Dollars to be applied to purchase an annuity

Premium

An interim premium of.....Dollars and..... cents may be payable on or before the date of this policy. Monthly premiums of..... Dollars and..... cents each shall be due and payable on the first day of each month in every year during the continuance of this contract until the premiums for.....policy years shall have been paid, after which no further premiums shall be required. The policy years and policy anniversaries shall be computed from the first day of.....19....while this policy is in force.

Veterans Insurance Act—continued

This policy is issued in consideration of the application herefor and of the payment of the premiums as provided herein and is subject to the provisions and conditions hereinafter set forth including the endorsements hereon or attached hereto and to the provisions of the said Act and any amendments thereto and regulations made thereunder, as fully as if the same were written above the signatures hereto set.

Signed at the City of Ottawa, in the Province of Ontario, this.....
.....day of..... 19....

*Superintendent of Veterans
Insurance*

Examined by

Minister of Veterans Affairs

PROVISIONS AND CONDITIONS

1. *Contract*

This policy is subject to the provisions of the Veterans Insurance Act, including any amendments thereto and regulations made thereunder, and, together with the application herefor and any endorsements hereon or attached hereto, constitutes the contract between the parties hereto.

2. *Payment of premiums*

All premiums are payable on or before their due dates to the Receiver General of Canada and may be sent to the Chief Treasury Officer of the Department of Veterans Affairs, Ottawa, Canada. Premiums may be paid monthly, quarterly, semi-annually or annually in advance but to effect a change in the frequency of premium payment, written request therefor must be made to the Superintendent of Veterans Insurance, Ottawa. Except as expressly provided herein, the payment of a premium shall not maintain the policy in force beyond the due date of the next premium.

3. *Grace*

A grace period of one month shall be allowed for the payment of any premium after the first, without interest charge, during which period the policy shall continue in force, but, if the insured dies during such period, the premium, if then unpaid, shall be deducted from the insurance money payable hereunder; Provided, however, that the grace period shall not apply when the only premium that has been paid is an interim premium for a period of less than one month.

4. *Age*

For the purpose of determining the premium payable hereunder, the age of the insured shall be taken at the birthday of the insured nearest to the date of this policy. Proof of age satisfactory to the Minister shall

Veterans Insurance Act—continued

be furnished before any payment of insurance money is made hereunder. If the age of the insured has been understated, the amount of insurance and every benefit provided hereunder shall be such as the premium paid would have purchased at the correct age. If the age has been overstated, the excess premiums paid shall be refunded.

5. *Incontestability*

The statements made by the insured in the application for this policy shall, except in the case of fraud or error of age, be accepted as true and incontestable after the policy has been in force, during the lifetime of the insured, for a period of one year from the date hereof. All statements made in the said application shall, in the absence of fraud, be deemed representations and not warranties.

6. *Residence, travel and occupation*

This policy is free of all restrictions as to residence, travel and occupation, including military, naval and air service.

7. *Change of (a) beneficiary, (b) apportionment and (c) mode of payment of insurance money*

The insured may at any time change the beneficiary or beneficiaries, or the contingent beneficiary or contingent beneficiaries, theretofore designated, or the apportionment of the insurance money among them, or the mode of payment of the insurance money, all in conformity with the provisions of the Veterans Insurance Act in that behalf.

Any change as aforesaid shall be made by declaration of the insured in duplicate on forms to be supplied by the Superintendent of Veterans Insurance on request. (Both copies of the declaration shall be returned to the said Superintendent, together with this policy of endorsement, after which the policy will be returned to the insured). Provided, however, that after the death of the insured the Minister may accept any instrument, writing or document appearing to him to be a *bona fide* expression of intention of the insured to effect a change as aforesaid, in which event payment in accordance therewith shall be in full and final settlement of all liability under this policy.

8. *Self-destruction*

In the event of the self-destruction of the insured, whether sane or insane, within one year after the date hereof, this policy shall be void and no part of the amount of insurance shall be paid but there shall nevertheless be returned to the beneficiary or beneficiaries, in proportion to their interests hereunder, the premiums actually paid, without interest.

9. *Disability*

If, before attaining the age of sixty years and before default in the payment of any premium hereunder (or, in the event of default, not later than the end of the period of grace), the insured becomes totally and permanently disabled so that he is thereby rendered incapable of pursuing any substantially gainful occupation, and if such disability is not deemed to be attributable to his service to such an extent as to entitle him to pension on the grounds of total disability under the Pension Act, the premiums thereafter falling due under this policy, during the continuance

Veterans Insurance Act—continued

of such disability, shall be waived; provided, however, that premiums shall not be waived where such disability commenced prior to the date of the policy, and provided further that the insured shall be deemed to be totally and permanently disabled where his total disability has existed continuously for at least one year. The insurance money payable under any settlement of this policy shall not be reduced because of any premiums waived under this provision.

10. Proof of disability

Proof of disability shall be furnished to the satisfaction of the Minister before any premium will be waived hereunder. If the insured makes application for the disability benefit, he shall be examined by such physician as may be named for that purpose by the Minister. (The fee of the physician shall be paid by the insured.) If the physician is satisfied that the insured is totally disabled and incapable of pursuing continuously any substantially gainful occupation, and that it is unlikely that he will at any time recover in whole or in part from such disability and incapacity, he shall so certify. Notwithstanding such certification, however, the Minister may submit the report for review to the Director of Medical Services of the Department of Veterans Affairs or to such other medical adviser as may be named by the Minister for that purpose, and he may require the insured to be examined by another physician; and in determining whether proof of disability as aforesaid has been established, the Minister shall take into account not only the said report or reports, but all other information available to him.

Notwithstanding that proof of total and permanent disability may have been accepted by the Minister, he may at any time require proof of the continuance of such disability to be established, and if such proof is not furnished to the satisfaction of the Minister, all premiums thereafter falling due shall be payable by the insured.

11. Cash surrender value

There shall be payable to the insured, where the Superintendent is satisfied as to the circumstances of the case, a cash surrender value based on the policy reserve on the British Offices Life Tables, Om (5), with interest at $3\frac{1}{2}$ per cent per annum, where—

- (a) the policy has been in force at least two years and premiums have been paid for at least two years; and
- (b) a written application therefor is made to the Superintendent by the insured and by the beneficiary or beneficiaries, unless the whereabouts of such beneficiary or beneficiaries are unknown to, or cannot, after a search satisfactory to the Superintendent, be ascertained by, the insured; and
- (c) the policy is returned to the Superintendent for cancellation and retention.

The cash surrender value payable within three months after the issue date of the first premium in default, if any, shall be the reserve on the policy at the said date and at all other times shall be the reserve as at the date of surrender. Payment of the said cash value shall be in full and final settlement of all liability hereunder. Specimen cash values in accordance with this provision are shown in the table of guaranteed values below.

Veterans Insurance Act—continued

12. Reduced paid-up insurance

At any time after this policy has been in force for two years (premiums having been paid for at least two full years) but not later than three months after the due date of the first premium in default, if any, the insured may, upon written application and upon return of this policy for endorsement, be granted paid-up insurance for a reduced amount, which amount shall be such as the reserve on the policy as at the end of the period for which premiums have been paid will provide when applied as a net single premium at the then attained age of the insured. Specimen paid-up insurance values in accordance with this provision are shown in the table below.

13. Automatic extended term insurance

If, after this policy has been in force for two years (premiums having been paid for at least two full years), any premium due hereunder is not paid within the period of grace, the full amount of insurance shall, unless the cash surrender value or reduced paid-up insurance has been applied for under Provision 11 or 12, be automatically continued for such a period (disregarding fractional parts of a month) as the reserve on the policy as at the date on which the said premium fell due will provide when applied as a net single premium at the then attained age of the insured. Subject to Provision 14 hereof, all rights and liabilities under the policy shall terminate upon the expiration of the period herein provided for. Specimen periods of extended term insurance in accordance with this provision are shown in the table below.

TABLE OF GUARANTEED VALUES
in accordance with Provisions 11, 12 and 13

PLAN		AGE	
Number of full years in force	VALUES AVAILABLE AT END OF YEAR		
	Cash Value	Paid-up Insurance	Extended Term Insurance Years Months

The values shown in the above table are mathematically equivalent to the full net premium reserves on the bases of the British Offices Life Tables, Om (5), and interest at the rate of $3\frac{1}{4}\%$ per annum.

The cash values and paid-up insurance values in the table are for an amount of insurance of \$1,000 and apply pro rata to the amount of insurance stated on the first page hereof; the periods of extended term insurance remain the same for all amounts of insurance.

The values shown are those available at the end of the policy years indicated; values available during a policy year or for subsequent years will be computed on the same bases and will be furnished on request.

Veterans Insurance Act—continued

14. *Reinstatement.*

If any premium due hereunder is not paid within the period of grace, and if the cash surrender value or reduced paid-up insurance has not been granted, the insured may, with the consent of the Minister and subject to such evidence of insurability as the Minister may require, reinstate the policy in full force at any time within five years from the due date of the first premium in default by payment of the arrears of premiums with interest at the rate of five per cent per annum compounded annually.

15. *Policy unassignable.*

The insurance money payable under this policy shall be unassignable and shall not be subject to the claims of creditors of the insured or of the beneficiary. Any attempted dealing with such money by pledge, assignment or otherwise will be disregarded as null and void.

16. *Deduction on account of pensions.*

Where, on the death of the insured, a pension becomes payable under the Pension Act or any pension law of the United Kingdom or of any of Her Majesty's Dominions, to any person mentioned in subsections one or two of section six or in subsection one of section seven of the Veterans Insurance Act, there shall be deducted from the amount of insurance the aggregate present value of the pension or pensions so payable, and in lieu of the said deduction there shall be paid to the beneficiary or beneficiaries, in proportion to their interests under this policy, the amount of the paid-up insurance which would have been available under this policy in the event of the grant of paid-up insurance within the lifetime of the insured as at the end of the period for which premiums have been paid, reduced in the ratio of the amount of the said deduction to the amount of insurance. Provided, however, that

- (a) for the purposes of this provision, where the insured dies before premiums have been paid for two years or during the period of automatic extended term insurance, the amount of paid-up insurance deemed to have been available shall be such as the reserve on the policy, computed as at the date of death of the insured on the bases used in computing paid-up insurance values hereunder, will provide when applied as a net single premium on the said bases at the then attained age of the insured:
- (b) where the contract is for the benefit of the spouse or children of the insured or of some one or more of such persons, and the insured dies after six months from the date of the policy, no deduction shall be made where the amount of insurance does not exceed five hundred dollars, and where the said amount does exceed five hundred dollars the deduction shall not be greater than such excess:
- (c) this provision shall be inoperative where the beneficiary is the spouse of the insured and the pension is awarded under the Pension Act to some person or persons other than the spouse.

Veterans Insurance Act—continued

The present value of the pensions payable shall be computed on the bases of the Canadian Life Tables No. 2 (1941) male or female, according to the sex of the pensioner, together with interest at the rate of three and one-half per cent per annum, and, in the case of a pension to a spinster or widow, such probabilities of marriage or remarriage, as the case may be, as the Minister may consider appropriate.

17. Payment of insurance money.

The amount of insurance provided hereunder shall become payable in the manner stated on the first page hereof upon receipt of satisfactory proof of the death of the insured and upon discharge of this contract. The total payments to be made at death under this policy and all other policies, if any, issued to the insured and in force under the Veterans Insurance Act shall not exceed the total amount of insurance stated therein, or two thousand dollars, whichever is the lesser. The remainder, if any, of the insurance money, or the portion thereof to which any beneficiary is entitled, shall be payable in instalments as an annuity; provided, however, that where the insurance money remaining to be paid as an annuity to any beneficiary is less than five hundred dollars, the Minister may, upon the request of the said beneficiary, direct that such money shall be paid in such manner and in such amounts, including payment in a lump sum, as the Minister may consider appropriate.

The mode of payment of the insurance money stated on the first page hereof is that elected by the insured in his application but may be varied by declaration of the insured in the manner set out in Provision 7 hereof, or may after the death of the insured be varied by the beneficiary with the consent of the Minister. Alternative modes of payment of insurance money as an annuity are shown in Tables A and B below. Annuities may be made payable quarterly, semi-annually or annually, commencing three, six or twelve months after the date of death of the insured. Annuities payable annually are shown in Table B but the corresponding annuities payable quarterly or semi-annually will be computed according to the same bases and principles and will be furnished on request to the Superintendent of Veterans Insurance.

Table A

Payment to beneficiary which \$1,000 of insurance money will purchase as an annuity certain for the terms shown below. Payments for an amount of insurance money greater or smaller than \$1,000 will be proportionate.

Frequency of Payment	Term			
	5 years	10 years	15 years	20 years
Quarterly.....	54.66	29.67	21.43	17.36
Semi-annually.....	109.79	59.60	43.04	34.88
Annually.....	221.48	120.24	86.83	70.36

Veterans Insurance Act—continued

Table B

Annual payment to beneficiary which \$1,000 of insurance money will purchase as a life annuity or as a life annuity guaranteed for the terms shown below and as long thereafter as the beneficiary may live. Payments for an amount of insurance money greater or smaller than \$1,000 will be proportionate.

Age of beneficiary as at birthday nearest to date of death of insured		Annual payment as an annuity for life	Annual payment as an annuity for life, guaranteed for			
Male	Female		5 years	10 years	15 years	20 years
	5	39.71	39.69	39.63	39.55	39.46
	6	39.85	39.83	39.77	39.69	39.60
	7	40.00	39.97	39.91	39.83	39.74
	8	40.15	40.12	40.06	39.98	39.88
	9	40.31	40.28	40.22	40.14	40.04
5	10	40.47	40.44	40.38	40.30	40.20
6	11	40.64	40.61	40.55	40.47	40.36
7	12	40.82	40.79	40.73	40.64	40.54
8	13	41.00	40.97	40.91	40.82	40.72
9	14	41.20	41.17	41.10	41.02	40.91
10	15	41.40	41.37	41.31	41.22	41.10
11	16	41.61	41.58	41.52	41.42	41.31
12	17	41.83	41.80	41.74	41.64	41.52
13	18	42.07	42.04	41.97	41.87	41.75
14	19	42.31	42.28	42.21	42.11	41.98
15	20	42.57	42.53	42.46	42.36	42.22
16	21	42.83	42.80	42.73	42.62	42.47
17	22	43.11	43.08	43.01	42.89	42.74
18	23	43.41	43.38	43.30	43.18	43.01
19	24	43.72	43.68	43.60	43.47	43.30
20	25	44.04	44.01	43.92	43.78	43.60
21	26	44.38	44.35	44.25	44.11	43.90
22	27	44.74	44.70	44.60	44.45	44.23
23	28	45.11	45.07	44.97	44.80	44.56
24	29	45.51	45.46	45.35	45.17	44.91
25	30	45.92	45.87	45.75	45.55	45.27
26	31	46.35	46.30	46.17	45.95	45.64
27	32	46.80	46.75	46.60	46.36	46.03
28	33	47.27	47.21	47.06	46.80	46.43
29	34	47.77	47.70	47.53	47.25	46.84
30	35	48.29	48.22	48.03	47.72	47.27
31	36	48.83	48.76	48.55	48.20	47.72
32	37	49.40	49.32	49.09	48.71	48.18
33	38	50.00	49.91	49.65	49.24	48.65
34	39	50.62	50.52	50.24	49.78	49.14
35	40	51.28	51.16	50.86	50.35	49.64
36	41	51.96	51.84	51.50	50.94	50.16
37	42	52.68	52.54	52.16	51.55	50.70
38	43	53.43	53.28	52.86	52.18	51.25
39	44	54.22	54.05	53.59	52.84	51.81
40	45	55.05	54.86	54.35	53.52	52.39
41	46	55.92	55.70	55.14	54.22	52.98
42	47	56.83	56.59	55.96	54.95	53.59
43	48	57.79	57.52	56.82	55.70	54.21
44	49	58.79	58.50	57.72	56.48	54.84

Veterans Insurance Act—concluded

Table B—Concluded

Age of beneficiary as at birthday nearest to date of death of insured		Annual payment as an annuity for life	Annual payment as an annuity for life, guaranteed for			
Male	Female		5 years	10 years	15 years	20 years
45	50	59.85	59.52	58.65	57.28	55.48
46	51	60.96	60.59	59.62	58.11	56.13
47	52	62.13	61.71	60.64	58.96	56.79
48	53	63.35	62.89	61.69	59.84	57.46
49	54	64.65	64.13	62.79	60.74	58.13
50	55	66.01	65.43	63.94	61.66	58.81
51	56	67.45	66.80	65.13	62.61	59.49
52	57	68.97	68.23	66.36	63.58	60.17
53	58	70.57	69.74	67.65	64.56	60.84
54	59	72.25	71.32	68.98	65.57	61.51
55	60	74.04	72.98	70.36	66.58	62.17
56	61	75.92	74.73	71.79	67.62	62.82
57	62	77.91	76.57	73.27	68.66	63.45
58	63	80.02	78.49	74.80	69.71	64.07
59	64	82.25	80.52	76.38	70.76	64.67
60	65	84.62	82.65	78.00	71.81	65.24
61	66	87.12	84.89	79.67	72.85	65.79
62	67	89.78	87.23	81.37	73.89	66.31
63	68	92.60	89.70	83.12	74.91	66.79
64	69	95.59	92.28	84.90	75.91	67.25
65	70	98.78	94.99	86.72	76.88	67.67
66	71	102.16	97.83	88.56	77.83	68.06
67	72	105.77	100.81	90.41	78.74	68.41
68	73	109.60	103.92	92.28	79.61	68.72
69	74	113.70	107.17	94.15	80.44	69.01
70	75	118.06	110.56	96.02	81.21	69.25
71	76	122.72	114.10	97.87	81.94	69.47
72	77	127.69	117.78	99.70	82.61	69.65
73	78	133.01	121.59	101.49	83.23	69.80
74	79	138.71	125.55	103.24	83.78	69.93
75	80	144.80	129.64	104.93	84.28	70.04
76	81	151.34	133.85	106.56	84.73	70.12
77	82	158.36	138.18	108.11	85.12	70.19
78	83	165.89	142.61	109.58	85.45	70.24
79	84	173.99	147.13	110.95	85.74	70.28
80	85	182.71	151.72	112.23	85.98	70.31
81		192.09	156.35	113.40	86.18	70.33
82		202.22	161.01	114.46	86.35	70.34
83		213.16	165.67	115.42	86.48	70.35
84		224.98	170.30	116.28	86.59	70.36
85		237.77	174.88	117.03	86.66	70.36

VETERANS' LAND ACT. (R.S.C., 1952, c. 280)

Veterans Land Regulations

P.C. 1954-1967

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 16th day of December, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Veterans Affairs and pursuant to the Veterans' Land Act, is pleased to order as follows:

1. The Veterans' Land Act Regulations, established by Order in Council P.C. 5245 of 18th October, 1949, as amended, are hereby revoked; and

2. The annexed "Veterans Land Regulations" are hereby made and established in substitution for the regulations hereby revoked.

VETERANS LAND REGULATIONS

1. These regulations may be cited as the *Veterans Land Regulations*.

2. In these regulations,

- (a) "Act" means the Veterans' Land Act;
- (b) "Director" means The Director, the Veterans' Land Act;
- (c) "Minister" means the Minister of Veterans Affairs;
- (d) "Provincial Advisory Board" means a provincial advisory board appointed pursuant to section 18 of the Act;
- (e) "Regional Advisory Committee" means a regional advisory committee appointed pursuant to section 37 of the Act; and
- (f) "regular forces" means the components of the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force, consisting of officers and men who are enrolled for continuing, full-time military service.

Administration

3. The office of the Director shall be at the City of Ottawa.

4. (1) The Director may, with the approval of the Minister, establish in each province one or more central administrative offices, each of which shall be under the supervision of a District Superintendent.

(2) In addition to central administrative offices, the Director may, with the approval of the Minister, establish in each province regional offices, each of which shall be under the supervision of a Regional Supervisor.

Veterans' Land Act—continued*Regional Advisory Committee*

5. (1) A Regional Advisory Committee shall consist of three or more members, and the chairman shall be the Regional Supervisor or such other officer or employee of the Director named by the Director to act as chairman in the absence of the Regional Supervisor.

(2) The chairman and one other member of a Committee shall constitute a quorum.

(3) The chairman shall receive no salary or remuneration other than that which he receives as Regional Supervisor or as an officer or employee of the Director.

(4) Members, other than the chairman of a Committee, shall hold office during pleasure and shall each be paid a salary of fifteen dollars per diem for each day on which the Committee meets and for each day or portion of a day necessarily engaged in travelling to and from committee meetings, and shall also be entitled to receive and be paid their actual disbursements for expenses necessarily incurred by them in connection with the discharge of their duties.

(5) The chairman of a Committee may, on the authority of the Director, act as the chairman of any other Regional Advisory Committee within the same district.

Application for Qualification

6. (1) A veteran desiring to be certified to be qualified to participate in the benefits of the Act shall submit to the Director through the nearest office of the Director an application in writing, in such form and containing such information as the Director may from time to time determine.

(2) In determining eligibility of veterans with service in the Western Hemisphere only, three hundred and sixty-five days' active service shall constitute twelve months' active service under subparagraph (ii) of paragraph (d) of section 2 of the Act.

(3) Time spent by a veteran in professional training in the faculty of medicine or dentistry in any university or in any hospital prior to appointment to a unit as a commissioned officer, pursuant to Canadian Army Routine Orders No. 3202 and 3343, as amended, shall not be counted as active service under the Act.

Cessation of Entitlement to Benefits

7. (1) No veteran shall be eligible for benefits under the Act in respect of service in the naval, army or air forces of Her Majesty subsequent to

- (a) the day of his acceptance as a member of the regular forces if he was so accepted after the thirty-first day of March, 1946;
- (b) the thirty-first day of March, 1946, if on that day he was a member of the regular forces serving on active service; or
- (c) the thirty-first day of March, 1946, if he volunteered and was accepted for service in the naval, army or air forces of Canada for a special period terminating on or after the thirtieth day of September, 1947, unless he was serving on overseas service on the thirty-first day of August, 1945, and remained continuously on

Veterans' Land Act—continued

the strength of an establishment or unit or ship on overseas service, in which case he shall be eligible for benefits in respect of all such service.

(2) A veteran eligible for benefits under the Act shall be eligible for benefits in respect of all of his full-time service, if he was not accepted as a member of the regular forces or was not accepted for service in the naval, army or air forces of Canada for a special period terminating on or after the thirtieth day of September, 1947.

(3) For the purposes of subsection (1), "overseas service" has the same meaning and effect as it has in the War Service Grants Act.

Personal Interview

8. An application shall be referred to a Regional Advisory Committee for consideration and the veteran (and his wife if so required) shall appear in person before the Committee to furnish the Committee with such further information as it may require.

Qualifications of Veterans

9. The veteran shall submit reasonable evidence that

- (a) he is personally fit and able to carry on the occupation by which he proposes to gain his livelihood;
- (b) by reason of his character, habits, knowledge and experience, he is adapted to carry on successfully such occupation;
- (c) he understands the financial responsibility required by the Act; and
- (d) in all other respects, including availability of initial capital requirements, he is qualified to participate in the benefits of the Act.

Other Evidence

10. The Regional Advisory Committee may consider such other evidence as it sees fit.

Recommendation

11. (1) When, in the opinion of a Regional Advisory Committee, a veteran

- (a) is qualified to participate in the benefits of the Act, it shall so recommend to the District Superintendent and indicate the type of establishment for which he is qualified; or
- (b) is not so qualified, it shall so recommend to the District Superintendent, stating the reasons therefor, or stating the conditions under which a recommendation for qualification will be reconsidered.

(2) The Director may, upon the recommendation of a District Superintendent, authorize any Regional Supervisor to receive the recommendations of a Regional Advisory Committee and to act thereon in the place and stead of a District Superintendent.

Veterans' Land Act—continued*Two Years' Farming Experience*

12. Where a veteran intends to carry on full-time farming operations, no qualification certificate shall be granted unless he has had at least two years' satisfactory farming experience prior to the date of his application.

Qualification Certificate

13. A veteran who has been found qualified to participate in the benefits of the Act may be granted a qualification certificate, in the form prescribed by the Director, indicating the province or district to which it applies and the type of settlement to which it relates.

Husband and Wife

14. Where a husband and wife are both eligible to participate in the benefits of the Act and a certificate of qualification is granted to each of them, only one such certificate may be in effect at any one time, except where evidence of legal separation has been submitted and the Director is satisfied that such separation is not the result of collusion or understanding between the veteran and his wife with a view to obtaining any benefits under the Act.

Application for Assistance

15. (1) Application for assistance under the Act may be made by a veteran to whom a qualification certificate has been granted and shall be made in writing in a form prescribed by the Director to the office of the Director nearest the land in respect of which the assistance is sought.

(2) An application for assistance shall be supported by the full cash deposit required under the Act.

16. Where an application for assistance is made, the Regional Advisory Committee for the district in which the land is situated may require that the veteran and his wife appear in person before it, notwithstanding that such veteran and his wife may already have appeared before a different Regional Advisory Committee for examination.

17. Every applicant for assistance under the Act shall complete a declaration in writing that he has personally inspected the land with respect to which the application is made at a time when such land was free of snow, that he made a thorough examination and that he is satisfied that such land is suitable for the purpose for which it is intended to be used.

18. After inspection and appraisal by an official of the Director of the land to which the application for assistance relates, the Regional Advisory Committee shall consider each application made under Part I or III of the Act which involves acquisition of land by the Director.

19. (1) After determining whether the assistance applied for is intended for purposes authorized by the Act, and taking into account the inspection

Veterans' Land Act—continued

and appraisal report and the suitability of the land for the settlement of the veteran, the Regional Advisory Committee shall make a recommendation to the District Superintendent as to whether, in its opinion, the application should be approved or declined, together with such other recommendations as it may see fit to make.

(2) The recommendation shall be accompanied by the application form and the report of inspection and appraisal, together with all relevant documents.

Approval of Application

20. (1) The approval of purchase or sale of property and the approval of construction authorized by the Act shall be given in writing in the form prescribed by the Director over the signature of the District Superintendent, or of an officer duly authorized by the Director to act for the District Superintendent, and shall specify the amounts approved and the purposes for which approved.

(2) Disbursements of funds approved may be requisitioned in writing by the District Superintendent, or by any other officer, duly authorized by the Minister as a signing officer for the purposes of the Financial Administration Act.

(3) In the case of an approval of sale to a veteran, the approval shall specify the terms of repayment.

Establishment of Land Value

21. In establishing the value of land for the purposes of section 15 of the Act, the Director may take into account the value which permanent improvements to be effected under that section may add to the value of the land.

Standard Dates

22. The standard dates for payment or repayment are

- (a) the first day of November in each year in the case of annual instalments;
- (b) the first day of May and of November in each year in the case of semi-annual instalments; and
- (c) the first or the fifteenth day of each month, as may be determined by the Director, in the case of monthly instalments.

Execution of Documents

23. No assistance shall be provided under the Act except under the supervision of the Director, or a duly authorized officer acting for him, and unless the veteran has executed such documents as may be required by the Act or by the Director.

Minimum Area

24. (1) The approval of financial assistance for the establishment of a veteran in part-time farming shall be confined to a minimum of two acres of land where the value of the land and the cost of securing a suitable supply of water is in excess of the rate of five hundred dollars per acre, and to a minimum of three acres of land where the value of the land and the cost of securing a suitable supply of water is at the rate of five hundred dollars per acre or less; provided that the Director may, at his discretion, reduce these minimum acreages by not more than twenty per cent to meet variations in local conditions.

Veterans' Land Act—continued

(2) In the discretion of the Director, the provisions of subsection (1) shall not apply

- (a) in cases where commitments made by the Director prior to the twelfth day of September, 1946, do not come within the minimum acreages;
- (b) to qualified veteran applicants in receipt of a disability pension of fifty per cent or more;
- (c) to commercial fishing establishments;
- (d) in cases where a veteran, on his own responsibility, prior to the twelfth day of September, 1946, acquired clear title to, made payment on account of, or entered into an agreement enforceable by the vendor to purchase, a property with the intention of making application at a later date for financial assistance authorized by the Act; provided that the Director is satisfied that such purchase or commitment was made in good faith;
- (e) to lots of less than two acres in area previously sold in lands subdivided by the Director for the establishment of a veteran community; or
- (f) to Indian veterans who are established on Indian Reserve lands under section 39 of the Act.

Cancellation of Approval

25. The Director may for cause cancel an approval for assistance at any time before the assistance approved, or any part thereof, has been provided.

Livestock and Farm Equipment

26. No sales of, or advances for, livestock and farm equipment shall be made by the Director to a veteran for which there is not a reasonable need.

27. (1) Where a veteran certified to be qualified as a part-time farmer is approved for the advance of a loan under Part III of the Act, or where deletions have been permitted in a construction contract, public funds shall not be expended for livestock and farm equipment in excess of \$300 or \$100 per tillable acre to a maximum of \$600, whichever is the greater.

(2) Where deletions which would have cost in excess of ten per cent of the cost of the land and completed house, as estimated by the Director, or \$1,000, whichever is the lesser, have been permitted in a construction contract, no livestock and farm equipment may be purchased from public funds.

(3) Notwithstanding subsections (1) and (2), at the discretion of the Director, funds approved before the twenty-ninth day of July, 1954, for the purchase of livestock and farm equipment may be disbursed on or before the thirty-first day of December, 1954.

Tree and Bush Fruits

28. Assistance or advances for tree and bush fruit nursery stock, and seeds and roots of hardy perennials to be planted for commercial purposes, shall be expended as permanent improvement assistance or advances but, in the discretion of the Director, assistance under subsection (1) of section 10 of the Act for this purpose may be authorized as farm equipment to a maximum cost of \$150 to the Director.

Veterans' Land Act—continued

Automobiles, Electric Fixtures and Equipment

29. No advance shall be made and no contract shall be entered into for the purchase or sale of automobiles, motor vehicles, bicycles, or their component parts, or for electric fixtures or equipment other than water pumps, water pressure systems, electric motors to operate and electrically-operated machines required for the propagating, processing and preparing of farm products, and essential electric wiring and installations; provided, however, that, at the discretion of the Director, funds approved before the twenty-ninth day of July, 1954, for the purchase of electric stoves, refrigerators, washing machines and sewing machines, may be disbursed on or before the thirty-first day of December, 1954.

Commercial Fishing Equipment

30. A contract for the sale of commercial fishing equipment may include seaworthy boats of such size and construction as may be approved by the Director, fishing nets, floats, weights, anchors, internal combustion motors, sails, blocks and tackle, necessary cable and cordage, navigating equipment and galley stoves.

Joint Enterprise

31. Commercial fishing equipment for use in one commercial fishing enterprise may not be sold on a joint basis to more than two veterans.

Buildings

32. Except with the consent of the Director, no additional buildings may be erected by a veteran and no alterations may be made to existing buildings on any land which the veteran has contracted to purchase from the Director.

Residence and Operation

33. (1) Where, under the provisions of section 10, 11 or 23 of the Act, the Director contracts to sell to a veteran a property

- (a) to be used for farming as the full-time occupation of the veteran, the veteran shall immediately commence personal operation of the land described in the contract in a good husbandmanlike and proper manner and shall continue such personal operation thereof in a similar manner during the ten-year period immediately following the date of the agreement of sale; or
- (b) to be used by the veteran in his full-time occupation as a commercial fisherman or for farming purposes as a part-time occupation, the veteran shall in either case immediately commence actual residence on the property and shall continue to reside thereon and use the property in a good husbandmanlike and proper manner during the ten-year period immediately following the date of the agreement of sale.

(2) The Director may, on written application by a veteran, approve, from time to time, the temporary discontinuance of his actual residence on or personal operation of property which the Director has contracted to sell to him, but approvals of temporary discontinuance of actual residence or of personal operation shall be for not more than one year at any one time, and shall not exceed two years in the aggregate during the first ten-year period immediately following the date of the agreement of sale.

Veterans' Land Act—continued

(3) Notwithstanding subsection (2), the Director may accept an agreement in writing executed by the veteran supplementary to the agreement of sale with the Director in which the veteran undertakes to resume immediate residence on or personal operation of the land should the reason for which relief from residence on or operation of the land is granted cease to exist or following the date on which the approved period of such relief expires, whichever is the earlier, and to continue such residence on or personal operation of the land for a period which, together with the period already spent in actual residence or personal operation and any period of non-residence or non-operation previously approved, will aggregate ten years, and which will provide that failure to comply with the terms of such supplementary agreement will constitute a breach of the term of the agreement of sale requiring continuous residence.

Rescission of Agreements

34. (1) Before the question of rescission is referred to a Provincial Advisory Board pursuant to the provisions of section 18 of the Act, the veteran shall be given not less than fifteen days' notice of the Director's intention so to do, and such notice shall

- (a) be in writing over the signature of the Director or of a duly authorized officer acting for him;
- (b) state the time and place of the hearing;
- (c) specify the defaults upon which the Director relies;
- (d) be deemed duly given if mailed in any post office by registered mail addressed to the veteran at the address stated in the agreement for sale or at his last address known to the Director;
- (e) where the veteran is deceased, be deemed duly given if mailed in any post office by registered mail, addressed to any person or persons upon whom the rights of such veteran devolve, pursuant to section 31 of the Act, at his or their last address known to the Director; or, if the address of such person or persons is unknown to the Director, then such registered notice may be addressed generally to the heirs, devisees or personal representative, without describing them by name, at the last address of the deceased known to the Director or, in the discretion of the Director, by publishing such notice by a single insertion in one of the newspapers circulating in the district in which the land is situated, fifteen clear days before the date appointed for consideration of the case by the Provincial Advisory Board; and
- (f) where the veteran is insane, be deemed duly given if mailed in any post office by registered mail addressed to the provincial officer having charge of the administration of the estates of the mentally incompetent or the legal representative or committee of the insane veteran.

(2) Where the veteran, or a representative of the veteran, fails to appear to make representations, the Provincial Advisory Board shall hear the application of the Director *ex parte*.

(3) The consent to the rescission of an agreement for sale, or the remedial conditions to be fulfilled by the veteran in default of compliance with which rescission of the agreement may ensue, shall be given to the Director by the Provincial Advisory Board in writing and the decision of the majority of its members shall be binding on the Board.

Veterans' Land Act—continued

35. Where the Provincial Advisory Board consents to the rescission of any agreement for sale, the notice of intention to rescind shall be deemed duly given if served, in accordance with the provisions of section 34, thirty clear days before the Director acts thereunder.

Sales to Non-Veterans

36. The interest rate chargeable on sales to any person other than a veteran shall be the interest rate charged by the Canadian Farm Loan Board at the date of such sale.

Delegation of Signing Authority

37. All documents which require execution by the Director in his corporate capacity may be signed for the Director by an officer authorized by the Director to sign for the Director, and the Director's seal shall be affixed thereto and the signature duly witnessed.

Indian Veterans

38. (1) Notwithstanding anything in these regulations, an Indian veteran desiring to be certified to be qualified to participate in the benefits of section 39 of the Act shall submit to any officer of the Indian Affairs Branch, Department of Citizenship and Immigration, designated by the Minister of Citizenship and Immigration, an application in writing in such form and containing such information as the Director may from time to time determine.

(2) The Indian veteran shall submit reasonable evidence that he is personally fit and able to carry on the occupation by which he proposes to gain his livelihood and that by reason of his character, habits, knowledge and experience, he is adapted to carry on successfully such occupation.

(3) Before approving any grant, the Director shall be furnished by the Minister of Citizenship and Immigration, or by an authorized officer acting for him, in a form prescribed by the Director

- (a) a certificate respecting the military service eligibility of the Indian applicant;
- (b) a certificate that the Indian applicant is qualified to engage in the occupation which he proposes to follow;
- (c) a certificate that the land to be used or occupied by the Indian veteran is suitable for such use or occupation; and
- (d) a recommendation as to the amount of the grant which should be approved and the several purposes for which such grant should be expended.

(4) A grant to an Indian veteran for the purchase of household equipment shall not exceed \$250, and for the purchase of equipment for trapping or fur farming shall not exceed \$850.

Dominion or Provincial Lands

39. (1) A grant under section 38 of the Act may be made to a veteran by the purchase and delivery by the Director to him of specified chattels, conditional upon the veteran complying for a period of ten consecutive years with the terms of his agreement for the purchase, lease, use or grant of the Dominion or provincial lands on which he settles.

(2) The veteran shall covenant and agree that, on default of any covenant or term under such agreement, he will deliver possession of the chattels to the Director on demand, and that the title to and right of

Veterans' Land Act—continued

possession of the chattels shall be and remain in the Director until the veteran has complied with the covenants and terms of such agreement for a period of ten consecutive years.

Joint Operations

40. A grant under section 38 of the Act in an amount not exceeding \$1,200 may be made to any veteran in a group consisting of not more than ten veterans, who propose conducting joint operations in farming or forestry, for the purchase of machinery essential to farming, or machinery and equipment essential to forestry.

Crop Share Agreements

41. Veterans established or to be established as farmers under the provisions of the Act in the spring wheat areas, as defined by the Prairie Farm Assistance Act, and whose farming operations are predominantly directed to the production of spring wheat, shall be given the right of election to continue under, or to enter into, a firm term agreement as provided by the Act and, in addition to such agreement, to enter into a crop share agreement as collateral to the terms of the firm term agreement, and such collateral agreements may, *inter alia*, provide that

- (a) in any year in which the yield of wheat is six bushels per seeded acre or less, the amount payable by the veteran in such year may be extended to the terminating date of the firm agreement and interest shall accrue only on the amount of the principal sum so extended;
- (b) in any year in which the yield of wheat is in excess of six bushels per seeded acre, the veteran shall deliver to the order of the Director one-half of such excess yield but, in any year in which the yield of wheat is in excess of eighteen bushels per seeded acre, delivery to the order of the Director in excess of six bushels per acre shall be at the option of the veteran;
- (c) the veteran shall, in each year, seed to wheat not less than one-half of the cultivated acreage on the farm, with respect to which he is indebted to the Director, unless a lesser acreage is approved by the Director;
- (d) the determination of wheat yields for the purpose of such collateral agreements shall be the yields by farm units as established under the provisions of the Prairie Farm Assistance Act in those townships or partial townships which qualify for an award under that Act, and by evidence satisfactory to the Director in those townships or partial townships which do not qualify for an award under that Act;
- (e) where the proceeds from the grain delivered to the order of the Director in any year are
 - (i) less than is required to meet the current instalment due under the firm agreement, the amount of the deficiency shall be extended to the terminating date of the firm term agreement and interest shall accrue only on the principal so extended, or
 - (ii) greater than is required to meet the current instalment, the excess amount shall be applied by the Director as a prepayment of the unmatured section of the loan; and
- (f) any such collateral crop payment agreement shall be subject to the provisions of sections 16 to 20, inclusive of the Act.

Veterans' Land Act—continued

Disposal of Surplus Lands

42. (1) Before the Director may sell any lands to a person other than a veteran, he shall first advertise them for sale by public tender, subject to the condition stated in such advertising that no offer received by the Director as a result of such advertising shall necessarily be accepted; provided that this regulation shall not apply to lands that may be required for the special purposes specified in section 24 of the Act.

(2) After the time limited in the advertising for the submission of offers has expired and no satisfactory offer has been received, the Director may negotiate with any person who made an offer or with any other person for the purpose of obtaining a binding offer to recommend for acceptance under the provisions of the Act.

Disposal of Repossessed Chattels

43. Where the Director has repossessed chattels theretofore held by a veteran under any agreement with the Director and the nature of the chattels is such that in the opinion of the Director they are likely to deteriorate in value in his hands or prove costly to keep and care for until they can be used for the ordinary purposes of the Act, or are not likely to be required for the ordinary purposes of the Act, the Director may sell such chattels forthwith by public auction for cash, after due advertising, or privately at a cash price agreed to in writing by the veteran from whom the chattels have been repossessed, or privately after an appraisal thereof by an independent qualified person at a cash price at or near such appraised value.

Housing

44. For the purposes of subparagraphs (iii) and (iv) of paragraph (a) of section 46 of the Act, the circumstances beyond the control of the veteran are defined as

- (a) the transfer of the veteran's place of employment to another area;
- (b) the inability of the veteran to secure employment in the area of his place of residence;
- (c) ill health of the veteran or his family; or
- (d) the land having been required and taken for public purposes.

45. For the purposes of subsection (3) of section 48 of the Act, the circumstances beyond the control of the veteran are defined as

- (a) the transfer of the veteran's place of employment to another area;
- (b) the inability of the veteran to secure employment in the area of his place of residence;
- (c) ill health of the veteran;
- (d) ill health of the veteran's family necessitating transfer of residence to another area;
- (e) deficiencies or other disadvantages disclosed or developing subsequent to commencement of construction which, in the opinion of the Director, rendered the land unsuitable; or
- (f) the land having been required and taken for public purposes.

46. (1) For the purposes of section 60 of the Act, a veteran who has entered into a contract with the Director under section 48 is eligible under Part I of the Act, provided the veteran was required to dispose of his home constructed under the provisions of section 48 due to

- (a) the transfer of his place of employment to another area;

Veterans' Land Act —concluded

- (b) his inability to secure employment in the area where his home had been constructed;
- (c) the ill health of the veteran or his family; or
- (d) the land having been required and taken for public purposes;

and the Director is satisfied such disposition was not made for speculative reasons.

(2) The terms and conditions of any contract, advance or grant entered into or made under Part I of the Act shall be consistent with the provisions of that Part.

47. The Director may conduct training courses in house construction for any group of not less than five eligible veterans, or may supply or arrange for instructors for such courses when organized and conducted by the Canadian Legion of the British Empire Service League or other recognized veterans' organization or educational body or by a department of any federal, provincial or municipal government which desires to co-operate and the services and facilities of which can be used to advantage; provided that such courses follow the syllabus prescribed from time to time for such courses by the Director's construction officials.

48. (1) The Director may furnish to an approved co-operative housing association, for the construction of single-family dwellings by such association, technical and financial assistance in the aggregate according to the number of members or shareholders in the manner and to the extent and upon like terms and conditions as are authorized to be furnished to an individual veteran by Part II of the Act, and the construction contract provided for by section 48 and the collateral agreement provided for by section 49 shall be between the Director and the association.

(2) Upon the completion of the dwellings as required by the construction contract, the Director, upon proper direction in writing from the association and in accordance with section 51 of the Act and the collateral agreement between the Director and the association, shall provide

- (a) for the registration of a mortgage from and the conveyance to the association of the aggregate parcels of land; or
- (b) simultaneously for the registration of mortgages from and conveyances to each member or shareholder of the land designated for his use, in which event the necessary adjustments of taxes and insurance to meet the requirements of the Director shall be made between the association and the member or shareholder.

49. The Director may accept from a veteran building his own home under the provisions of the Act, in addition to any excess payment, a security deposit equivalent to not less than ten per cent of the amount of public funds being expended by the Director under the contract, except that, in respect of construction contracts entered into pursuant to section 48 of the Act, compliance with the cash or land requirements of subsections (2) and (3) of section 47 of the Act may be deemed to be the security deposit for the proper carrying out of the construction contract.

50. The agreement required under section 66 of the Act may, at the option of the Director, provide that the loan advanced under the provisions of Part III of the Act be consolidated and made payable with the indebtedness owing the Director by the veteran under Part I of the Act, interest on such consolidated indebtedness being computed at a rate which, on an amortization basis, will provide for liquidation at maturity of the total amounts of principal and interest owing under Parts I and III of the Act.

VETERANS REHABILITATION ACT. (R.S.C., 1952, c. 281)

	Page
1. <i>Veterans Rehabilitation Regulations</i>	2493
2. <i>Reduction of training allowance because of earnings</i>	2950
3. <i>Transfers in training, regulations governing</i>	2951

1. Veterans Rehabilitation Regulations

P.C. 1954-1571

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 13th day of October, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Veterans Affairs and pursuant to the Veterans Rehabilitation Act, is pleased to order as follows:

1. The Veterans University Loan Regulations established by Order in Council P.C. 4061 of 1st October 1946, and the Veterans Rehabilitation Order established by Order in Council P.C. 5278 of 18th October 1949, as amended, are hereby revoked; and

2. The annexed "Veterans Rehabilitation Regulations" are hereby approved and established in substitution for the regulations and Order hereby revoked.

VETERANS REHABILITATION REGULATIONS

1. These regulations may be cited as the *Veterans Rehabilitation Regulations*.

2. (1) In these regulations,

(a) "Act" means the Veterans Rehabilitation Act;

(b) "Loan Board" means a Student-Veteran Loan Board, established at each university to authorize loans under section 23, whose membership shall be

(i) University Head or his representative,

(ii) Dean of the Faculty concerned or his representative,

(iii) University Veteran Adviser, and

(iv) District supervisor of training of the Department;

(c) "schedule" means the schedule of monthly rates attached to and forming part of these regulations;

(d) "student-veteran" means a veteran who is in receipt of allowances under section 9 or 11 of the Act;

(e) "transportation" means railway transportation with sleeping berth if necessary, and reasonable charge for other modes of transportation when necessary and when supported by proper

Veterans Rehabilitation Act—continued

voucher, provided that, when a privately-owned automobile is used, the transportation allowance shall be four cents a mile irrespective of the number of passengers carried; and

- (f) "travelling expenses" means
 - (i) meals in transit, if not provided by the transportation company, at \$1.50 each, and
 - (ii) board and quarters, where not available at a Departmental institution, at \$1 a meal and, when supported by voucher, at a cost not exceeding \$3 a night for lodging.

(2) Other words and expressions in these regulations have the same meaning as like words and expressions respectively have in the Act.

3. An allowance under section 8, 9 or 11, and fees under section 14, of the Act may be paid to or in respect of a veteran residing in Canada who wishes to attend a university or take a course of vocational or technical training at any university, school or other similar institution outside Canada where he is

- (a) resuming at the same university, school or other similar institution a course of training undertaken prior to and interrupted by enlistment;
- (b) commencing a course of training not provided in Canada with a view to gaining a livelihood in Canada;
- (c) completing a course of training that was commenced but cannot be fully completed in Canada; or
- (d) seriously disabled and, in the opinion of the Minister his rehabilitation requires training outside Canada.

4. (1) An allowance under section 8, 9 or 11, and fees under section 14, of the Act may be paid to or in respect of a veteran residing outside Canada who wishes to attend a university or take a course of vocational or technical training at any university, school or other similar institution in the country where he resides, where

- (a) the Minister and the educational or rehabilitation authorities who administer or supervise the rehabilitation of veterans in the country where the veteran resides approve the training; and
- (b) the Minister is of opinion that the training will result in the rehabilitation of the veteran.

(2) In addition to the allowance authorized by subsection (1), the Minister may pay the fees for a correspondence course approved by him and taken by a veteran mentioned in that subsection if such course is directly related to the veteran's occupation and, in the opinion of the Minister, is necessary for his rehabilitation.

5. Where a veteran is paid an allowance under section 8 of the Act, the fees, costs and charges that may be paid to the institution may include

- (a) tuition fees for approved courses;
- (b) fees for athletics and regular student activities;
- (c) the cost of prescribed text books that are ordinarily purchased by a student and are not included in the fees; and
- (d) the cost of expendable material supplied by the institution;

Veterans Rehabilitation Act—continued

but shall not include uniforms, tools, instruments, reference books or the cost of materials and supplies for making articles where such articles become the property of the student.

6. Where a veteran is paid an allowance under section 9 or 11 of the Act, the fees, costs and charges that may be paid to the university may include registration fee, library fee, instrument rental fee, examination fee, and similar fees as specified in the university calendar except fees for supplemental examinations or refundable caution money or deposits, but shall not include fees for registration in professional organizations such as fees for call and admission to the Bar, for law and engineering societies, and for medical, dental and nursing associations.

7. The maximum amount of fees, costs and charges that may be paid in respect of a veteran shall not exceed \$500

- (a) for a total period of eight months' training under section 8 of the Act, whether such training is received continuously or intermittently; or
- (b) for any academic year of training under section 9 or 11 of the Act;

provided that, when training is being received in a country other than Canada, and the currency of that country is appreciated in terms of the Canadian dollar, the amount payable may include an amount equal to such appreciation.

8. An allowance authorized under section 8, 9 or 11 of the Act may be terminated for

- (a) misconduct of the veteran or his failure to comply with the rules and regulations of the training institution;
- (b) continued absence of the veteran from training without leave for a period of one week or more, unless a satisfactory explanation is produced to the Minister; or
- (c) progress or standard of achievement of the veteran unsatisfactory to the head of the training institution and the Minister.

9. An allowance under section 7 of the Act may be

- (a) paid to a married veteran who has a husband dependent on her; and
- (b) terminated at any time for lack of co-operation on the part of the veteran, or where, in the opinion of the Minister, circumstances have changed to the point where the allowance is no longer necessary to the veteran's re-establishment,

10. (1) Except as otherwise provided in subsections (2) and (3), the allowances payable under the Act shall be those set forth in the schedule and, in the discretion of the Minister, *pro rata* payments may be made semi-monthly or weekly.

(2) Where a pensioner is entitled to an allowance under section 8, 9 or 11 of the Act, he shall be entitled to an allowance for his dependents only to the extent that the pension payments for such dependents are less than the allowance provided by the Act.

(3) No allowance, based upon any part of his period of service consisting of time spent by a veteran in professional training in a faculty of medicine or dentistry in any university or in any hospital prior to

Veterans Rehabilitation Act—continued

appointment to a unit as a commissioned officer, pursuant to Canadian Army Routine Orders No. 3202 and No. 3343 as amended, may be paid to or in respect of such veteran.

11. (1) A veteran who is requested under authority of the Minister to appear at any office for interview or counselling with respect to his rehabilitation may be allowed the cost of transportation and travelling expenses from his place of residence to the place of consultation and return.

(2) A veteran who is taking a course in Canada under section 8 of the Act may be allowed the cost of transportation and, where necessary, meals in transit for one trip from his usual place of residence to the place where the course is being held and one trip back to that residence or to such other place where, in the interest of rehabilitation and without incurring additional expense, it is deemed by the Minister advisable for him to go.

12. A veteran who is living away from his usual place of residence in pursuing a course under section 8, 9 or 11 of the Act and is receiving an allowance for dependents may be paid an additional allowance of \$5 a week for extra living expenses.

13. A veteran who is receiving an allowance for dependents, and whose place of residence is at such distance from the place where the course under section 8 of the Act is being held that daily transportation to and from such place is advantageous as an alternative to changing his place of residence, may be allowed transportation to and from such place each day that such course necessitates at a total cost not exceeding \$5 a week or the actual cost of such transportation, whichever is the lesser.

14. An allowance may be paid under subsection (3) of section 8 of the Act to a veteran where

- (a) his period of service exceeds twelve months, he has received an allowance under section 8 of the Act for a period of twelve months, has made satisfactory progress and, in the opinion of the Minister, requires additional training under that section to qualify him for employment in the vocation for which he is being trained; and
- (b) his period of service exceeds twelve months, he has received an allowance or combination of allowances under the Act for a period of less than twelve months and, in the opinion of the Minister, requires training to qualify him for employment.

15. Where a veteran has received an allowance under subsection (2) of section 15 of the Act, the Minister may extend the period of payment thereof beyond the period of service, provided that

- (a) within his period of entitlement, he has completed at least one academic year of university work;
- (b) he has demonstrated such scholarship that, on the final examinations of the academic year next preceding the year in which his period of service expires, he has passed in all subjects and is in the top twenty-five per cent of that year or has at least second-class honour standing; and
- (c) he has been recommended for such further allowance by the Scholarship Committee of the university concerned.

Veterans Rehabilitation Act—continued

16. A veteran who has been approved for a course of training under section 9 of the Act and has been unable to gain admission thereto shall be deemed to have made application for training under section 8 of the Act within the prescribed time limits.

17. A veteran who has received an allowance under section 9 of the Act and because of failure in examinations or for other reason repeats the whole or part of an academic year at his own expense shall, for purposes of section 10 of the Act, be deemed to be in receipt of an allowance under section 9 of the Act during the time spent in so repeating the whole or part of the academic year.

18. (1) Where a veteran is discharged from the forces outside Canada for the purpose of taking training under the Act, transportation and admissible travelling expenses may, subject to subsection (2), be paid at a cost not exceeding the cost of repatriation, which would have been provided if he had remained in the forces,

(a) for him; and

(b) from their place of residence in the United Kingdom to any place in Canada, or to any place designated by him outside Canada in which he was resident immediately prior to joining the forces,

(i) for his wife, where her marriage to such veteran took place outside the Western Hemisphere, as defined in the War Service Grants Act, either during his service or subsequent thereto and before the termination of the training, and

(ii) for a child of the marriage mentioned in subparagraph (i), and for any child for whose maintenance the veteran is legally responsible by reason or by virtue of such marriage or by adoption.

(2) Transportation and travelling expenses referred to in subsection (1) shall not be paid where application therefor is received by the Minister more than six months after the date of termination of the course of training in respect of which the veteran was discharged from the forces.

19. (1) A pensioner who, in the opinion of the Minister, requires training to fit him for suitable employment may be trained or retrained under section 8 or 9 of the Act without limitation as to date of application or period of entitlement to allowances as set forth in the Act and these regulations, provided that

(a) if, in the opinion of a full-time medical officer of the Department, the pensioner is by reason of his pensionable or non-pensionable disability, or both, unable to follow his regular occupation and any secondary occupation in which he has been previously employed for a period of one year or more, or

(b) where it is apparent that the pensioner is fit to carry on in one or more of such previous occupations, but placement in one of these or in any other suitable occupation is not possible and will probably not be possible within a reasonable time, and

(c) the complete course in which the pensioner is to be trained under paragraph (a) or (b) is of not more than twelve months' duration and completion of such course will, in the opinion of the Minister, fit the pensioner for available employment in a specified suitable occupation.

Veterans Rehabilitation Act—continued

(2) Where a pensioner applies for benefits under section 15 of the Act, such benefits shall be available to him only under the following conditions:

- (a) if in the opinion of a full-time medical officer of the Department, the pensioner is by reason of increased pensionable or non-pensionable disability unable to follow his principal pre-war occupation if any, his principal post-war occupation, and any other occupation for which he was previously granted training by the Department, and
- (b) if, in the opinion of such medical officer, he has remaining physical and mental capacity for work, and
- (c) if the course in which he is to be trained will, in the opinion of the Minister, fit the pensioner for available employment in a specified suitable occupation; and

where each of these conditions is fulfilled, training or retraining may be provided under section 8 or 9 of the Act, and fees and allowances paid without limitation as to date of application or period of entitlement to allowances as set forth in the Act and these regulations.

(3) Notwithstanding the authority contained in subsections (1) and (2), the Minister shall have discretion to refuse or discontinue training, even though the conditions set forth in this section apply when, in his opinion, training would not result in reasonable re-establishment owing to advanced age of a pensioner, lack of satisfactory progress in the training program, or for any other reason.

20. For the purpose of computing the compensation payable under section 23 of the Act to any veteran entitled thereto, or to his dependents in case of death resulting from the accident, such veteran shall be deemed to be in receipt at the time of the accident of a monthly wage from Her Majesty equal to the amount of the monthly grant or allowance made to him by the Minister, including, where applicable, the additional amounts paid for dependents, as set out in the schedule; provided that,

- (a) in a case of temporary total disability, the compensation payable to a veteran shall be not less than \$12.50 a week and, in a case of temporary partial disability, the weekly compensation payable shall be not less than an amount which bears the same proportion to \$12.50 as the partial disability bears to total disability;
- (b) for the purpose of computing an award for permanent total or permanent partial disability, the veteran shall be deemed to have been in receipt of a monthly wage from Her Majesty at an amount which is deemed fair and equitable having regard to the average earnings of a fully-qualified person engaged in the same trade, occupation, profession or calling; and
- (c) in a case of permanent total disability, the award shall be not less than \$100 a month, subject to the further stipulation that in no case shall the amount of compensation exceed the amount of pension and allowances which would be payable by the Canadian Pension Commission calculated on the basis of marital status and number of persons dependent upon the veteran trainee at the time of the accident had the disability been incurred during service and pensionable under the Pension Act; and, for perman-

Veterans Rehabilitation Act—continued

ent partial disability, a sum which bears the same ratio to the said award as the permanent partial disability bears to permanent total disability.

21. For the purposes of the Act and pursuant to the provisions of section 25 thereof, the war shall be deemed to have terminated on December 31, 1946.

22. (1) All veterans who, subsequent to August 31, 1946, by reason of administrative errors on the part of officers concerned in regulating or co-ordinating the various benefits available to veterans under federal statutes, incurred financial obligations in the expectation of obtaining benefits under The Veterans' Land Act, 1942, and all veterans with respect to whom the Director, the Veterans' Land Act, has himself at the date hereof made financial commitments, who are willing to repay the Department the allowances received by them or their dependents during a course of training under section 9 or 11 of the Act, shall be allowed to repay such moneys if, in the opinion of the Minister, such veterans commenced such courses in the belief that they were eligible, also, for benefits under The Veterans' Land Act, 1942.

(2) A veteran who repays the moneys pursuant to subsection (1) shall be deemed to be entitled to completion by the Director, the Veterans' Land Act, of any arrangements previously entered into with him.

23. (1) The Loan Board may authorize a loan, not exceeding \$500 for any academic year and not exceeding a total of \$2,000, to any student-veteran who.

- (a) has subsequent to discharge successfully completed at least one year's academic work in the university;
- (b) has in the unanimous opinion of the Board established that
 - (i) his financial position is such that the lack of some financial assistance threatens a continuation of his training program and he has no other financial resources on which he could reasonably draw, and
 - (ii) his past record and probable future earning capacity are such that he will be able to meet the repayment requirements of paragraph (c); and
- (c) enters, jointly with the spouse if any, into an agreement with the university that loans shall
 - (i) bear interest at the rate of five per cent per annum, interest to commence on the first day of January of the year next following the termination of his training program,
 - (ii) be repaid at a rate of not less than \$250 of principal per annum, and
 - (iii) be repaid in equal monthly, quarterly or annual instalments of principal and interest as set by the Loan Board in consultation with the student-veteran, repayment periods to begin on the first day of January of the year next following the termination of his training program.

(2) The method of collecting any loan from a student-veteran shall conform to the practice normally followed by each university in handling its own loan funds.

Veterans Rehabilitation Act—continued

(3) On or before the thirty-first day of January of each year, a university, which has made a loan or loans under these regulations, shall submit to the Department a report showing the number, and total amount of the principal, of loans made and the total amount of principal and interest repaid thereon during the preceding calendar year together with a cheque to the order of the Receiver General of Canada for such total amount of principal and interest repaid.

Schedule of Monthly Rates

<i>Allowances</i>	<i>Single</i>	<i>Man</i>	<i>Children</i>					
	<i>No</i>	<i>and</i>	<i>One</i>	<i>Two</i>	<i>Three</i>	<i>Four</i>	<i>Five</i>	<i>Six</i>
	<i>Dependents</i>	<i>Wife</i>						
	\$	\$	\$	\$	\$	\$	\$	\$

PART I

Awaiting Returns—

section 7 of the Act	50	70	82	94	104	112	120	128
----------------------	----	----	----	----	-----	-----	-----	-----

Additional amount for person in lieu of wife — \$20 a month

Additional amount for dependent parent — \$15 a month

PART II

Vocational and Uni-
versity Training—

sections 8, 9 and 11 of the Act	60	90	108	122	134	144	154	164
--	----	----	-----	-----	-----	-----	-----	-----

Additional amount for person in lieu of wife — \$30 a month

Additional amount for each dependent parent—not exceeding \$25 a month

2. Reduction of Training Allowances because of Earnings

DEPARTMENT OF VETERANS AFFAIRS

I, HUGUES LAPOINTE, Minister of Veterans Affairs, under the powers conferred upon me by section 17 of the Veterans Rehabilitation Act, do hereby revoke the Order respecting Reduction of Training Allowances because of Earnings, made by me on the 31st March, 1951, and do hereby make the following Order in substitution therefor:

No reduction shall be made from the training allowance payable to a veteran trainee under section 8, 9 or 11 of the Veterans Rehabilitation Act because of wages, salary, or other income of the veteran and his dependents except that

- (a) a veteran undergoing training under the provisions of section 8 or 9 of the Veterans Rehabilitation Act, who is in receipt of income or its equivalent accruing from his training programme by way of

Veterans Rehabilitation Act—continued

remuneration from the employer-trainer, scholarship, bursary, grant-in-aid, leave with pay, or other such income, shall have the monthly training allowance reduced by the amount by which such income exceeds \$75 a month;

- (b) a veteran, who is regularly employed as a teacher, certified as such by the provincial authority, and who is approved for full-time training under the provisions of section 8 or 9 of the Veterans Rehabilitation Act during regular vacation periods or periods of absence with pay, shall have the monthly training allowance reduced by the amount by which the monthly salary or earnings of the veteran, computed on a twelve-month basis, exceeds \$75 a month;
- (c) a self-employed veteran, who is approved for full-time training, shall either discontinue the practice of his profession or business activities during the training period, or have the training allowance otherwise payable reduced to zero because of income; and
- (d) a veteran undergoing post-graduate training under the provisions of section 11 of the Veterans Rehabilitation Act, who is in receipt of income or its equivalent accruing from such training programme by way of any scholarship, bursary, grant-in-aid, services rendered to the training institution, leave with pay, or other such income, shall have the monthly training allowance reduced by the amount by which such income exceeds \$100 a month.

Dated at Ottawa, this 19th day of November, 1954.

HUGUES LAPOINTE,
Minister of Veterans Affairs.

3. Regulations governing transfers in training under the Act**DEPARTMENT OF VETERANS AFFAIRS**

I, HUGUES LAPOINTE, Minister of Veterans Affairs, under and by virtue of the powers conferred upon me for the purpose by subsection (6) of section 10 of the Veterans Rehabilitation Act, hereby make the following regulations:

REGULATIONS GOVERNING TRANSFERS IN TRAINING UNDER THE
VETERANS REHABILITATION ACT

1. Subsection (6) of section 10 of the Veterans Rehabilitation Act shall not apply when a veteran is eligible for continued allowances under the section under which the training programme was approved if, in the opinion of the Minister, training under another section is required to fit him for his original or modified occupational goal.

2. The twelve-month period referred to in the said subsection (6) shall not include a period for which allowances were received in pre-matriculation training.

Veterans Rehabilitation Act—concluded

3. District recommendations for transfer, when training allowances have been paid for more than twelve months, except those specified in section 2, shall be referred for approval to a Head Office Training Transfer Board composed of:

- (a) the Director-General of Veterans' Welfare Services, who shall be Chairman,
- (b) the Director of Training and War Service Grants Act, and
- (c) one other officer of the Department selected by the Chairman.

4. These regulations supersede and replace the Regulations governing Transfers in Training under the Veterans Rehabilitation Act made by the Minister of Veterans Affairs on July 5, 1948.

Dated at Ottawa this 19th day of November, 1954.

HUGUES LAPOINTE,
Minister of Veterans Affairs.

VISITING FORCES (NORTH ATLANTIC TREATY) ACT.

(R.S.C., 1952, c. 284)

No regulations have been made under this statute.

VISITING FORCES (UNITED STATES OF AMERICA) ACT.

(R.S.C., 1952, c. 285)

Courts Martial, summoning of witnesses

P.C. 3488

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 4th day of July, 1952.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and pursuant to section four A of the Visiting Forces (United States of America) Act, is pleased to prescribe the manner in which a magistrate or justice of the peace, when duly requested to do so, shall summon a witness to appear before a United States court martial, and it is hereby prescribed as follows:

Where a magistrate or justice of the peace is requested to summon a witness to appear before a United States court martial under section 4A of the Visiting Forces (United States of America) Act, he shall issue a summons to the witness accordingly in the manner prescribed by the provisions of Part XIV of the Criminal Code respecting the attendance of witnesses on a preliminary inquiry, so far as those provisions are applicable, and with such modifications or adaptations as the circumstances require.

VOCATIONAL TRAINING CO-ORDINATION ACT.

(R.S.C., 1952, c. 286)

No regulations have been made under this statute.

WAR SERVICE GRANTS ACT. (R.S.C., 1952, c. 289)

	Page
1. <i>War Service Regulations</i>	2953
2. <i>War Service Gratuity—payment in respect of infant or person of unsound mind qualified to receive benefit</i>	2956
3. <i>War Service Gratuity—payment to dependents of deceased members of former members of the forces</i>	2957

1. War Service Grants Regulations

P.C. 1954-1572

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 13th day of October, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Veterans Affairs and pursuant to the War Service Grants Act, is pleased to order as follows:

1. Order in Council P.C. 2476 of 3rd June 1948, and The War Service Grants Order established by Order in Council P.C. 5046 of 4th October 1949, as amended, are hereby revoked; and
2. The annexed "War Service Grants Regulations" are hereby made and established in substitution for the Orders hereby revoked.

WAR SERVICE GRANTS REGULATIONS

1. These regulations may be cited as the *War Service Grants Regulations*.
2. (1) In these regulations,
 - (a) "Act" means the War Service Grants Act;
 - (b) "Advisory Committee" means the Re-establishment Credit Advisory Committee consisting of not less than two nor more than three employees of the Department appointed by the Minister in and for any district;
 - (c) "Committee of Review" means a committee consisting of at least three employees of the Department appointed by the Minister; and
 - (d) "Department" means the Department of Veterans Affairs.
- (2) Other words and expressions in these regulations have the same meaning as like words and expressions respectively have in the Act.

War Service Grants Act—continued

3. The Minister shall cause such records to be kept as he may consider necessary for the proper administration of the Act.

War Service Gratuity

4. (1) The abolition of the Board of Review by the Minister and the transfer of its powers, duties and functions to the Committee of Review is hereby confirmed and approved.

(2) A favourable decision in any case by two members of the Committee of Review shall be final; an unfavourable decision can be made only by three members.

(3) A copy of every decision of the Committee of Review shall be placed on the file of the member of the forces concerned held at the head office of the Department.

5. The gratuity or any portion thereof payable to a person who qualifies therefor in respect of a member of the forces who dies on service or after discharge, but before such member has been paid in full, shall be paid in one lump sum.

6. Any overpayment of pay and allowances as described in subsection (1) of section 6 of the Act shall be deducted from the gratuity, but such overpayment shall not be deemed to include overpayment of pay and allowances made in respect of service in the forces of Her Majesty other than those raised in Canada to a person claiming benefits by virtue of section 22 of the Act.

Re-establishment Credit

7. (1) The Minister may refer any application to an Advisory Committee for its advice and recommendation respecting the qualifications of the applicant for re-establishment credit in relation to the objects for which the credit is proposed to be used and the soundness of the investment proposed by the applicant.

(2) A person applying for a credit may request that his application be referred to an Advisory Committee.

(3) No credit shall be made available to a member for the purchase of a business unless the application therefor is first referred to the Advisory Committee established for the district in which the member resides or the district in which he proposes to use the credit, for the purpose of securing its advice as to the soundness of the investment in the case of such member.

8. All or any part of the credit established in favour of any member may be made available to him or on his behalf upon his application therefor in writing, which application shall include

- (a) an election not to take benefits under the Veterans' Land Act, except section 15 thereof, or any educational, vocational or technical training benefits which are provided under the Veterans Rehabilitation Act;
- (b) full particulars of any of the said benefits applied for or already received by him;
- (c) a statement verified by his affidavit as to the purpose for which he intends to use the credit; and
- (d) such further information as the Minister may require.

War Service Grants Act—continued

9. A member who makes application under section 8 shall submit to the Minister, in addition to his application, such other information and material as the Minister may require.

10. Where the Minister makes any payment under the Act or these regulations to a person other than the member, the person receiving payment shall furnish a receipt for such payment to the member on whose behalf the payment is made.

11. In addition to the purposes under section 11 of the Act, re-establishment credit may be made available to a member resident outside Canada, for

- (a) payment of premiums pursuant to any contract of insurance to which the member is a party under the Civil Service Insurance Act;
- (b) payment under subsection (2) of section 49 of the Royal Canadian Mounted Police Act of a deficiency in deduction from his pay as an officer of the Royal Canadian Mounted Police;
- (c) payment of contribution in respect of his service as a constable of the Royal Canadian Mounted Police under section 69, 80, 83 or 84 of the Royal Canadian Mounted Police Act;
- (d) payment of contributions under section 6 of the Public Service Superannuation Act; and
- (e) payment under subsection (2) of section 9 of the Defence Services Pension Act of a deficiency in deduction from his pay as an officer as defined in that Act.

12. In addition to the purposes under section 12 of the Act, re-establishment credit may be made available to the member for

- (a) payment of contributions under section 48 of the Defence Services Pension Act in respect of his service prior to becoming a contributor under Part V of that Act;
- (b) acquisition of a unit of living accommodation in a housing project receiving financial assistance under the National Housing Act;
- (c) payment of the purchase price or any part thereof of an annuity already purchased, being purchased, or to be purchased, on his behalf and for his benefit under any pension plan established by his employer and based upon the Government Annuities Act, except for payment of current contributions ordinarily payable from the remuneration of the member under any such pension plan;
- (d) purchase of clothing by him for his personal use or for the use of his dependents provided that, at the time of application, he has need for such clothing, is without adequate income or assets to meet the costs thereof, and
 - (i) is in receipt of an allowance under the War Veterans Allowance Act, 1952,
 - (ii) is not eligible for an allowance under the War Veterans Allowance Act, 1952, but is permanently unemployable because of physical or mental disability, or
 - (iii) is not eligible for an allowance under the War Veterans Allowance Act, 1952, but, in the opinion of the Minister or such person as the Minister may designate, is incapable or

War Service Grants Act—continued

unlikely to become capable of maintaining himself because of economic handicaps combined with mental or physical disability or insufficiency; and

- (e) payment of contributions under section 6 of the Public Service Superannuation Act.

13. (1) The Minister may allow a member, to whom has been made available all or part of his re-establishment credit, to make the compensating adjustment referred to in section 13 of the Act through deductions in such amounts and at such times as will enable such adjustment to be completed contemporaneously with termination of his training under the Veterans Rehabilitation Act, and these deductions may be made from appropriate allowances under the Veterans Rehabilitation Act which might otherwise be available to the member in full.

(2) The method of effecting the compensating adjustment set forth in subsection (1) shall not apply to a member if, in the opinion of the Minister, training would not result in reasonable re-establishment owing to the advanced age of the member or for any other reason, but shall apply to a member who, in the opinion of the Minister, is unable to obtain suitable employment but who possesses a potential physical and mental capacity for work.

(3) The compensating adjustment shall be considered to be either the amount of re-establishment credit made available to the member, or the anticipated costs of training, whichever is the lesser.

(4) Where there is an amount of credit still available to the member which is greater than the anticipated costs of training, no compensating adjustment need be made.

(5) Where due to factors or a combination of factors it would be impossible to make total compensating adjustment by deduction from training allowances within the duration of the course of training, the member shall be required to pay or provide additional compensating adjustment in such amount and manner as the Minister deems just; provided that the additional adjustment may be reasonably expected to effect total compensating adjustment contemporaneously with the duration of training.

2. Payment of War Service Gratuity in respect of infant or person of unsound mind qualified to receive benefit**DEPARTMENT OF VETERANS AFFAIRS**

*Authorizing Order under subsection (3) of section 5 of the
War Service Grants Act*

I, HUGHES LAPOINTE, Minister of Veterans Affairs, pursuant to the powers vested in me by subsection (3) of section 5 of the War Service Grants Act, do hereby authorize that,

- (a) where an infant qualifies to receive the gratuity or any part thereof, payment shall be made
- (i) to the surviving parent of such infant, or
 - (ii) where the infant is an orphan, to his guardian or any other person *in loco parentis*;

War Service Grants Act—continued

provided that where any person authorized to receive the gratuity under this paragraph is a person unfit for and incapable of handling money under the regulations of the Dependents' Allowance Board, payment shall be made to the Canadian Pension Commission;

- (b) where a person of unsound mind other than an infant qualifies to receive the gratuity or any part thereof, payment shall be made to the duly appointed guardian or committee of such person;
- (c) payment of the gratuity under paragraphs (a) and (b) may be made in a lump sum or by monthly instalments as the Dependents' Allowance Board may determine; and
- (d) in sending the gratuity or any part thereof to a person on behalf of the person entitled thereto, there shall be enclosed
 - (i) a notice quoting subsection (3) of section 5 of the Act, and
 - (ii) a statement indicating clearly the beneficiary or beneficiaries and if more than one beneficiary the amount of the payment then being made on behalf of each.

This authority supersedes and replaces that issued by the Minister of Veterans Affairs and dated January 8, 1947.

Dated at Ottawa this 19th day of November, 1954.

HUGUES LAPOINTE,
Minister of Veterans Affairs.

3. Payment of War Service Gratuity to dependents of deceased members or former members of the forces

DEPARTMENT OF VETERANS AFFAIRS

I, HUGUES LAPOINTE, Minister of Veterans Affairs, do hereby designate the Dependents' Allowance Board as the authority to express the opinion required by paragraph (c) of subsection (1) of section 5 of the War Service Grants Act and, pursuant to the powers vested in me by subsection (2) of that section, do hereby direct that

- (a) where there is only one person who was in receipt of dependents' allowance on behalf of the deceased member immediately prior to the member's death or discharge and there is no person eligible under paragraph (b) of subsection (1) of the said section, that person shall receive the gratuity or the unpaid balance thereof, as the case may be;
- (b) where there is no person in receipt of dependents' allowance on behalf of the deceased member immediately prior to the member's death or discharge and there is only one person who qualifies under paragraph (b) of subsection (1) of the said section, that person shall receive the gratuity or the unpaid balance thereof, as the case may be;
- (c) where the total of the number of persons in receipt of dependents' allowance on behalf of the deceased member immediately prior to the member's death or discharge and the number of persons eligible under paragraph (b) of subsection (1) of the said section is more than one, the gratuity or the unpaid balance thereof, as the case may be, shall be made available for division among such

War Service Grants Act—continued

persons so that the amount paid to each is in the same proportion to the gratuity or the unpaid balance thereof, as the case may be, as the monthly amount of dependents' allowance paid or payable to or in respect of each such person at the date of the member's death or discharge is to the total monthly amount of dependents' allowance so paid and payable; where application for the gratuity is not submitted by or on behalf of all such persons, the persons who do apply shall be paid that portion only of the gratuity which each would have received had the others applied;

- (d) where no person qualifies under paragraph (a), (b) or (c) and
 - (i) there is only one person who qualifies under paragraph (c) of subsection (1) of the said section, that person shall receive the gratuity or the unpaid balance thereof, as the case may be;
 - (ii) more than one person qualifies under paragraph (c) of subsection (1) of the said section, the gratuity or the unpaid balance thereof, as the case may be, shall be made available for division among such persons so that the amount paid to each is in the same proportion to the gratuity or the unpaid balance thereof, as the case may be, as the monthly amount of pay assigned to or in respect of each such person at the date of the member's death or discharge is to the total monthly amount of pay assigned by such member in respect of all such persons; where application for the gratuity is not submitted by or on behalf of all such persons, the persons who do apply shall be paid that portion only of the gratuity which each would have received had the others applied; and
- (e) where no person qualifies under paragraph (a), (b), (c) or (d) and
 - (i) there is only one person who qualifies by reason of eligibility for dependents' allowance under paragraph (a) of subsection (1) of the said section, that person shall receive the gratuity or the unpaid balance thereof, as the case may be;
 - (ii) more than one person qualifies by reason of eligibility for dependents' allowance under paragraph (a) of subsection (1) of the said section, the gratuity or the unpaid balance thereof, as the case may be, shall be made available for division among such persons so that the amount paid to each is in the same proportion to the gratuity or the unpaid balance thereof, as the case may be, as the monthly amount of dependents' allowance payable in respect of each such person at the date of the member's death or discharge is to the total monthly amount of dependents' allowance that would have been payable to such persons had they applied for dependents' allowance; where application for the gratuity is not submitted by or on behalf of all such persons, the persons who do apply shall be paid that portion only of the gratuity which each would have received had the others applied.

Notwithstanding anything herein contained, where it appears to the Dependents' Allowance Board in any particular case that injustice would result from compliance with the foregoing provisions, the Board shall submit to the Minister of Veterans Affairs for consideration all the facts of the case together with its recommendations for disposition thereof.

War Service Grants Act—concluded

This directive supersedes and replaces that issued by the Minister of Veterans Affairs on May 27, 1946, on this subject.

Dated at Ottawa this 19th day of November, 1954.

HUGUES LAPOINTE,
Minister of Veterans Affairs.

WAR VETERANS ALLOWANCE ACT. (R.S.C., 1952, c. 340)

War Veterans Allowance Regulations

P.C. 1954-1754

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Veterans Affairs and pursuant to the War Veterans Allowance Act, 1952, is pleased to approve the annexed "War Veterans Allowance Regulations" made by the Minister of Veterans Affairs, on the advice of the War Veterans Allowance Board, in substitution for the regulations approved by Order in Council P.C. 3495 of 8th July, 1952, as amended, and the said annexed regulations are hereby approved and established, accordingly.

WAR VETERANS ALLOWANCE REGULATIONS

1. There regulations may be cited as the *War Veterans Allowance Regulations*.

2. (1) In these regulations,

- (a) "Act" means the War Veterans Allowance Act, 1952;
- (b) "Board" means the War Veterans Allowance Board;
- (c) "Department" means the Department of Veterans Affairs;
- (d) "Departmental hospital" means a hospital or institution or clinic for the treatment or care of patients which is wholly operated by the Department;
- (e) "District Authority" means the authority established in and for any regional district pursuant to subsection (1) of section 23 of the Act; and
- (f) "earnings" means all remuneration in money or in kind received by the recipient or his spouse for or in respect of work done or services rendered.

(2) Other words and expressions in these regulations have the same meaning as like words and expressions respectively have in the Act.

War Veterans Allowance Act—continued

3. (1) A District Authority to consist of not less than four persons and not more than seven persons employed in the Department, to be named by the Minister, is established for each of the following regional districts of the Department:

St. John's, Newfoundland; Charlottetown; Halifax;
Saint John, New Brunswick; Quebec; Montreal; Ottawa; Kingston;
Toronto; Hamilton; London; North Bay; Winnipeg; Regina;
Saskatoon; Edmonton; Calgary; Vancouver; Victoria.

(2) Two members of a District Authority shall constitute a quorum.

Application

4. (1) Application for an allowance may be made by any person who has reason to believe that he is qualified therefor and every such application shall be made in a form provided by the Department for the purpose.

(2) Where a District Authority is satisfied that a veteran is unable to complete the application form on account of physical or mental disability or for any other valid reason, the District Authority may accept an application form or any other document to the like effect completed by any responsible person on behalf of the veteran.

(3) Without restricting the right of a District Authority to require other information, every application shall set forth clearly

- (a) the full name of the applicant, his military service number, rank and particulars of service, and his registration number (if any) under the Unemployment Insurance Act;
- (b) the present address of the applicant and the place and date of his birth;
- (c) particulars of the marital status of the applicant including, in the case of a married applicant, the date of birth of his spouse, information whether the applicant is residing with his spouse and whether such spouse is sighted or blind;
- (d) the name, sex and date of birth of any dependent children of the applicant residing with him;
- (e) the occupation, income and means of subsistence of the applicant and his spouse;
- (f) particulars of any real or personal property, apart from household furnishings and personal effects, owned by the applicant or his spouse at the date of application; and
- (g) particulars of any real or personal property which the applicant or his spouse transferred to any person within the two years preceding the date of the application.

(4) In addition to the information required by subsection (3), the application shall show,

- (a) where the applicant has changed his name, the name before such change was made;
- (b) in the case of a married woman, her full maiden name;
- (c) in the case of a widow, the service number of her deceased husband, his former rank and particulars of his service; and
- (d) in the case of an orphan or orphans, the service number of their deceased parent who was a veteran, his former rank and particulars of his service.

War Veterans Allowance Act—continued

(5) The application shall be supported by a statutory declaration of the applicant or person making application on behalf of the applicant to the effect that all the statements in the application are true to the best of his knowledge, information and belief, and that no information required to be given has been concealed or omitted and that such statements are made for the purpose of obtaining an allowance under the Act.

Investigation and Reports

5. (1) The District Authority shall, in respect of each application,
 - (a) cause an investigation to be made into the facts and circumstances as therein set out and such other matters as may be necessary to determine the eligibility of the applicant for an allowance; and
 - (b) require a male applicant who has not attained the age of sixty years, or a female applicant who has not attained the age of fifty-five years, to undergo such medical examination as may be deemed necessary for the purposes of paragraph (c) of subsection (1) of section 3 of the Act;

and, if the applicant is eligible for an allowance, the District Authority shall determine the allowance payable and make an award accordingly.

(2) Where an allowance is being paid, the District Authority shall from time to time cause an investigation to be made into the circumstances of the recipient to determine whether the recipient continues to be eligible for an allowance and the amount thereof.

(3) Every recipient is required to report forthwith in writing to the District Authority any increase in his income or real property or the income or real property of his spouse, and to furnish full particulars of any personal property acquired by him or his spouse after the date of his application, and in respect of any change in his marital status or in the number of his dependent children residing with him.

(4) A recipient who fails to comply with the provisions of subsection (3) is guilty of an offence and liable on summary conviction to a fine not exceeding fifteen dollars or a term of imprisonment not exceeding one month.

Age

6. (1) For the purpose of enabling the District Authority to consider the eligibility of an applicant in respect of age, the applicant shall produce a certificate of birth or baptism or, if neither certificate is obtainable, shall produce any other documentary evidence that he may have or be able to obtain from which his age may be determined.

(2) Where the District Authority is satisfied that the applicant is unable to furnish satisfactory evidence of his age as provided in subsection (1), the District Authority shall endeavour to obtain information from any source which seems likely to produce evidence as to the age of the applicant.

Marital Status

7. For the purpose of enabling the District Authority to consider the eligibility of an applicant in respect of marital status, the District Authority may accept a certificate of marriage or, if no such certificate is obtainable, such other evidence corroborative of the statement of the applicant or his spouse as it deems satisfactory.

War Veterans Allowance Act—continued*Residence*

8. (1) For the purpose of enabling the District Authority to consider the eligibility of an applicant in respect of residence in Canada, in the case of applicants who seek to qualify under paragraph (b) of subsection (4) or paragraph (b) of subsection (6) of section 30 of the Act, the District Authority may take into account, together with any other evidence that it may be able to obtain, a statutory declaration made by any reliable person, other than the applicant, covering such facts as to which such person has personal knowledge.

(2) Where an applicant has been temporarily absent from Canada for the purpose of engaging in

- (a) employment on a ship or a fishing boat;
- (b) employment on trains running out of Canada operated by any railway company having its head office in Canada;
- (c) seasonal employment, such as lumbering or harvesting, for not more than six months in any year;
- (d) employment by or as a representative of a Canadian firm or corporation, or while he was himself a member of such firm or corporation;
- (e) employment by the United Nations or one of its specialized agencies; or

(f) missionary work with any religious group or organization;
he shall be deemed to have resided in Canada while so engaged.

(3) An applicant who is a married woman or a widow and who was absent from Canada with her husband in any of the circumstances specified in subsection (2) shall be deemed during these absences to have resided in Canada.

Allowances and Awards

9. (1) Except as authorized in subsection (1) of section 14 of the Act, no award shall be made in respect of any period immediately preceding the date upon which the application for allowance or reinstatement of allowance was received by the District Authority.

(2) Where an award is made pursuant to section 5 of the Act, the allowance so awarded may be paid either in a lump sum or by such instalments as the District Authority may direct.

(3) Where a recipient pays the cost of his maintenance in a Departmental hospital, the District Authority may order the resumption of payment of allowance to him.

(4) No allowance pursuant to section 4 of the Act shall be made where the inability of the applicant or recipient to maintain himself by following his ordinary occupation is due only to the circumstances that such occupation is of a seasonal character and that employment therein is not available.

Income

10. (1) For the purposes of the Act and these regulations, income shall include the net amount or value of all income received whether in cash or in kind, except

- (a) such items as are declared not to be income under or by virtue of paragraphs (a) to (i) inclusive of subsection (1) of section 6 of the Act, and

War Veterans Allowance Act—continued

- (b) money paid under the War Claims Regulations as compensation for maltreatment.

(2) For the purpose of determining the amount that shall be deemed income from any interest in real property of a veteran or, in the case of a married veteran residing with his spouse, of the veteran and his spouse, whether owned or deemed to be owned by the veteran or his spouse at the date of making application, or acquired subsequent thereto, the District Authority shall,

- (a) where it is used as a residence by the veteran and from which no revenue is derived consider as income an amount equal to five per cent of the amount by which the fair and reasonable value of such property, as determined by the District Authority, less the amount of any encumbrances thereon, exceeds six thousand dollars;
- (b) where it is used as a residence by the veteran and from which the veteran derives a revenue from any use or occupation thereof, except such revenue as is described in subsection (3), consider as income either an amount equal to five per cent of the amount by which the fair and reasonable value of such property, as determined by the District Authority, less the amount of any encumbrances thereon, exceeds six thousand dollars or fifty per cent of the gross revenue derived from the property, whichever is the greater;
- (c) where it is revenue bearing and not used as a residence by the veteran, consider as income the net revenue therefrom after deducting reasonable and necessary expenses of maintenance other than any payment of principal on any mortgage or agreement for sale thereon; or
- (d) where it is not revenue bearing or from which a nominal revenue is derived and which is not used as a residence by the veteran, consider as income the net revenue that, in the opinion of the District Authority, such property should or might reasonably be expected to yield.

(3) For the purpose of determining the amount of income where the recipient or his spouse receives remuneration for providing board and lodging or board or lodging to any person, the District Authority shall regard as income of the recipient such part thereof as may be calculated to represent the difference between the cost to the recipient or his spouse and the remuneration so received.

11. Where board and lodging or board or lodging is provided free to a veteran or for a nominal amount, the District Authority shall consider as income of the veteran and, in the case of a veteran who is married and residing with his spouse, of the veteran and his spouse, an amount that in its opinion is a fair and reasonable charge therefor.

Personal Property

12. (1) For the purposes of the Act and these regulations, "personal property" means cash in hand or in the bank, negotiable bonds and marketable securities owned by the applicant and, if he is applying for an allowance at the married rate, by his spouse or other dependents.

(2) No award shall be made to an applicant where the value of personal property exceeds the sum of one thousand dollars in the case of

War Veterans Allowance Act—continued

an unmarried veteran or person eligible for an allowance at the single rate or rate for orphans and the sum of two thousand dollars in the case of a married veteran residing with his spouse or other person eligible for an allowance at the married rate.

(3) Notwithstanding anything in these regulations, money paid under the War Claims Regulations as compensation for maltreatment is not personal property for the purposes of these regulations for a period of two years following the date of payment.

Unemployed Veterans

13. (1) The Minister may enter into arrangements with the Minister of Labour for the Unemployment Insurance Commission to make payment of allowances awarded under section 4 of the Act.

(2) The Unemployment Insurance Commission, under arrangements pursuant to subsection (1), may designate officers of its staff to assist in carrying out the administrative provisions of this section.

(3) Where an allowance has been awarded under section 4 of the Act, the District Authority shall forthwith notify the Unemployment Insurance Commission stating the maximum monthly rate of the allowance so awarded and setting out any items of monthly income of the veteran and his spouse taken into account in making the award and giving such other information as will facilitate the payment of an allowance pursuant to such award.

(4) Subject to subsection (5), the Unemployment Insurance Commission is hereby authorized to pay to the veteran an allowance at the monthly rate authorized in the award less the excess of any earnings, of the veteran and his spouse or either of them earned during the period concerned, over the permissible income.

(5) For the purposes of section 4 of the Act, where a person earns wages, salary or other remuneration or emolument, in money or in kind,

(a) for work done or which could have been done in addition to and outside the regular hours of his ordinary employment, such earnings shall be exempt as income to the extent of two dollars on any working day, with a maximum exemption of fifty dollars in any month; and

(b) for work done other than that described in paragraph (a), the allowance payable shall be reduced by one twenty-fifth for each day so employed.

(6) Before a recipient is entitled to receive payment of an allowance for any period of time, he shall furnish the Unemployment Insurance Commission with a statement in writing signed by him containing a true, correct and complete record of his earnings in that period and, to the best of his knowledge, information and belief, of the earnings of his spouse in that period and containing an acknowledgment that the information is given for the purpose of obtaining an allowance under the Act.

War Veterans Allowance Act—concluded

- (7) Where a recipient
- (a) has refused or failed to apply for suitable employment or has failed to accept suitable employment when offered to him;
 - (b) has neglected to avail himself of an opportunity of suitable employment; or
 - (c) has failed to carry out any written instruction given to him by an officer of the Unemployment Insurance Commission with a view to assisting him to find suitable employment;

The Unemployment Insurance Commission shall forthwith report to the District Authority stating the facts and in the meantime withhold payment of any allowance subsequent to the day upon which any such refusal, failure or neglect occurred.

(8) Where payment of an allowance is withheld pursuant to subsection (7), payment shall continue to be withheld until the District Authority has considered the case, and the District Authority may make such order with respect thereto as it may consider fair, reasonable and proper.

Administration and Appeals

14. (1) An applicant or recipient may appeal from any decision of a District Authority by giving notice in writing to that effect to the District Authority within thirty days from the date upon which the District Authority notified the applicant or recipient of the decision.

(2) A District Authority shall, upon giving a decision, forthwith forward such decision to the Chief Treasury Officer of the Department, together with all relevant documents and evidence upon which the adjudication was made, and concurrently shall notify the applicant or recipient, as the case may be, giving him particulars of the decision and, where the request of the applicant or recipient is refused in whole or in part, informing him of his rights of appeal.

(3) On receipt by a District Authority of a notice of appeal, the District Authority shall forthwith forward such notice to the Board.

(4) Where an appeal is allowed by the Board in whole or in part, its decision shall be forwarded to the Chief Treasury Officer of the Department for necessary action, and the Board shall forthwith notify the appellant and the District Authority of the particulars of such decision.

(5) Where an appeal is disallowed, the Board shall forthwith notify the appellant and the District Authority of its decision stating the reason therefor.

(6) Where the Board has on its own motion reviewed and modified a decision of the District Authority, the Board shall forthwith in writing notify the Chief Treasury Officer of the Department, the District Authority, and the applicant or recipient as the case may be, of such modified decision.

WEIGHTS AND MEASURES ACT. (R.S.C., 1952, c. 292)**Regulations respecting Weights and Measures**

P.C. 6894

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 19th day of December, 1951.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and by virtue of the powers conferred by The Weights and Measures Act, chapter 36 of the Statutes of 1951 (First Session), is pleased to order as follows:

1. The Regulations respecting Weights and Measures, established by Order in Council P.C. 3459 of 9th August, 1948, are hereby revoked; and
2. The annexed "Regulations respecting Weights and Measures" are hereby made and established in substitution for the Regulations hereby revoked.
3. This Order shall come into force on December 31, 1951.

REGULATIONS RESPECTING WEIGHTS AND MEASURES**DEFINITIONS****1. In these Regulations**

- (a) "inspector" means an inspector of Weights and Measures appointed under the Weights and Measures Act and includes any person authorized by the Minister to perform the duties of an inspector;
- (b) "manufacturer" includes a person who assembles component parts, whether manufactured by him or not;
- (c) "measure", with respect to a linear or volume measuring device, means a static measure having no moving parts incorporated therein, but includes a roller tape measure of any material;
- (d) "measuring machine" means a measuring device having any moving part incorporated therein or associated therewith, and includes a tank or other receptacle having a tap or other mechanical means of discharge;
- (e) "Minister" means the Minister of Trade and Commerce;
- (f) "pre-packaged goods" means goods packaged in a wrapper or container ready for retail sale; and if goods packaged in a wrapper or container are found in premises where such goods are packaged or kept for sale, they shall *prima facie* be deemed to be packaged ready for retail sale;
- (g) "trade" means dealing in goods, wares or merchandise sold by weight or measure, or performing the service of weighing or measuring, or performing a service for which payment is determined by weight or measure;
- (h) "trader" means any person engaged in trade.

Weights and Measures Act—continued

APPLICATION OF REGULATIONS

2. (1) These regulations apply to all weights, measures, weighing and measuring machines used, manufactured or imported for the purposes of trade.

(2) Unless otherwise provided in these regulations, any weight, weighing or measuring machine that is not marked "Not Legal for Trade" in the manner prescribed by these regulations shall be deemed to be intended for trade purposes; and any measure not marked in accordance with these regulations shall not be legal for use in trade.

(3) Save as provided herein, these regulations apply to all pre-packaged goods.

(4) These regulations do not apply to precision balances and equipment designed for laboratory or scientific use, but nothing in these regulations shall be deemed to prevent the inspection of such equipment upon request.

3. In any case where the Minister is of opinion that any provision of these regulations should not be applied, he may give such special directions as he deems proper to fulfil the general intent of these regulations.

APPROVAL AND CLASSIFICATION

4. No person shall sell, offer for sale, or use any weight, measure, weighing or measuring machine for purposes of trade until it has been approved and classified by the Director of Standards, and, unless otherwise provided, until it has been marked in accordance with these regulations and has been verified and stamped by an inspector.

5. (1) An application for approval and classification of any weight, measure, weighing machine or measuring machine shall be made by the manufacturer, dealer or importer to the Director of Standards, and it shall be accompanied by all pertinent drawings, specifications, construction and erection details in duplicate, and any other information which the Director may require shall be furnished.

(2) An application for approval and classification of a measure shall be accompanied by a prototype of the measure for testing in the laboratory of the Standards Division; and, at the request of the Director, a prototype of a weight, weighing machine or measuring machine shall be submitted for such testing purposes; provided that, in the case of heavy duty devices, the Director may give special instructions as to the place where the approval test shall be undertaken.

6. Changes in design, material or construction of an approved and classified weight, measure or machine shall be brought to the attention of the Director, who will determine if further tests are required.

7. (1) The Director or an inspector shall have the right to select at any time samples of an approved type of weight, measure or machine for the purpose of comparison with the approved prototype.

(2) The Director shall have the right to withdraw approval of any type of weight, measure or machine if, for any reason, he deems the type unsuited for service, but in such case due notice of such action shall be given to the manufacturer or agent concerned.

Weights and Measures Act—continued

8. Costs of shipping weights, measures or machines to and from the Standards Laboratory and expenses incurred in approval testing of heavy duty devices shall be borne by the person requesting approval.

9. His Majesty in right of Canada shall not be liable for damage to weights, measures or machines occurring while in transit to or from the laboratory or during normal approval tests.

MARKING AND STAMPING*Measures*

10. (1) If the prototype of a measure has been approved for use in trade, measures which conform in all respects with such prototype may be marked "Legal for Trade" by die-stamping, embossing or other permanent means so as to be visible to the user at all times; and, if so marked, they shall also show by permanent means the name or registered trade mark of the manufacturer, together with the unit of measure, if it is a linear measure, or the denomination, if it is a measure of volume.

(2) Any measure not marked in accordance with subsection (1) may be inspected by an inspector and, if verified and stamped by him, may be used for purposes of trade.

(3) Any measure not marked in accordance with subsection (1) or stamped in accordance with subsection (2) is not legal for use in trade and may be seized by an inspector if found being offered or displayed for sale for use in trade or if found on premises at which goods are being sold by weight or measure.

11. (1) In addition to the denomination required by the Weights and Measures Act to be marked on every weight except where its small size renders such marking impracticable, a ratio weight shall be marked with the weight represented when so used.

(2) Where practicable, all weights shall be stamped by an inspector after verification.

Weighing and Measuring Machines

12. Weighing machines and measuring machines which have not been approved shall bear the words "Not Legal for Trade" in letters of reasonable prominence and in any event not less than $\frac{1}{8}$ " high, and in contrasting colour if necessary for legibility; and such letters shall be applied on the machine or on a permanently affixed plate by die-stamping, embossing or other permanent means, in a location clearly visible to the user at all times.

13. (1) Weighing machines and measuring machines approved or manufactured after the date of these regulations for unrestricted use in trade shall bear the words "Approved—Trade and Commerce" or the permanently affixed mark;



which mark shall be not less than $\frac{5}{8}$ " in diameter.

Weights and Measures Act—continued

(2) Where a device is approved for restricted trade use, it shall be clearly and permanently marked, in a place visible to the user, with the words "Restricted—Trade and Commerce", or the mark:

<p>RESTRICTED T & C</p>

which mark shall be not smaller than $\frac{1}{2}$ " x 1", and the device shall be used only as specified in the approval recorded by the Director, a copy of which approval shall be sent to the applicant.

IMPORTATIONS

14. (1) On the importation of any weights, measures, weighing machines or measuring machines, the importer or his agent shall give written notice to the District Inspector of the district in which the imported articles are situated that the imported articles are in Customs.

(2) All measures that the importer does not desire to have approved for use in trade, and all weights, weighing machines and measuring machines that are marked "Not Legal for Trade" in accordance with these regulations, may be removed from Customs and disposed of by the importer.

(3) No imported weight, measure, weighing machine or measuring machine, other than those referred to in subsection (2), shall be removed from Customs until the requirements of the Weights and Measures Act and of these regulations respecting approval, classification, marking, inspection and stamping have been complied with, except that

- (a) with the consent of the District Inspector they may be removed to a place designated by the importer for purposes of such compliance,
- (b) they may be removed from such place for the purpose of marking them as required by the Weights and Measures Act or by these regulations, but thereafter they shall be returned to such place for inspection and stamping,
- (c) a prototype may be removed and submitted to the Director of standards in accordance with section 5, and
- (d) with the consent of the District Inspector, dormant or heavy duty scales may be removed for installation prior to approval, inspection and stamping.

SPECIFICATIONS AND TOLERANCES

15. (1) All weights, measures and machines shall be of such design, construction and material content that they will be capable of withstanding normal usage without undue impairment of their accuracy.

(2) In the case of weighing machines and measuring machines, it is necessary that they be able to operate throughout the full capacity range, maintaining accuracy and without causing undue stress on the component parts; workmanship and parts shall conform to sound engineering principles, and shall be designed to provide accurate weight or measure and to eliminate means of perpetrating fraud when in use.

(3) Trade equipment shall be suitable as to design and capacity for the service for which it is used.

16. (1) The specifications and tolerances for weights are those set out in Schedule I.

Weights and Measures Act—continued

(2) The specifications and tolerances for weighing machines are those set out in Schedule II.

(3) The specifications and tolerances for linear measures and measuring machines are those set out in Schedule III.

(4) The specifications and tolerances for volume measures are those set out in Schedule IV.

(5) The specifications and tolerances for measuring tanks are those set out in Schedule V.

(6) The specifications and tolerances for vehicle tanks are those set out in Schedule VI.

(7) The specifications and tolerances for meters are those set out in Schedule VII.

(8) Except where special tolerances are provided for weights, measures or machines approved for restricted uses, the appropriate table of tolerances in the attached schedules shall govern the verification and annual inspection.

INSPECTION DURING USE

17. (1) All weights, measures and machines approved for use in trade and so used shall be inspected once a year except as provided in subsections (2), (3), (4) and (5).

(2) Any trader who has in his possession any weight, measure, or machine approved for use in trade, who does not use it in trade and who does not wish to have it inspected annually may mark it "Not Legal for Trade" in accordance with section 12; in which case it shall not be subject to annual inspection and shall not be used in trade.

(3) Any measuring machine of a capacity greater than 100 gallons, the only moving parts of which are discharge valves, shall be re-inspected every three years.

(4) Weights, measures and machines located in areas to which access is difficult, designated as "remote areas", shall be re-inspected every two years; for the purposes of these regulations, "remote areas" include the coasts of Newfoundland and Labrador, the Northwest Territories, the Yukon, the north shore of the St. Lawrence River below the Saguenay River, and the Islands of the Gulf of St. Lawrence and in the St. Lawrence River east of the 70th meridian, but do not include the Provinces of Newfoundland and Prince Edward Island.

(5) The Director may require owners of mobile measuring equipment to present their equipment for inspection at such time and place as the Director may specify, but not oftener than once each year except in cases of dispute.

18. Until otherwise ordered by the Governor in Council, the following devices may be used for purposes of trade in the Province of Newfoundland, and shall be inspected in the same manner as other trade devices, but they may be so used only if of the following capacity and if they are constructed and marked as required by the Director:

- (a) salt tubs for the sale of salt, having a capacity of eighteen gallons;
- (b) hogsheads for the sale of salt, having a capacity of fifty-four gallons;
- (c) salt carts (two hogsheads) for sale of salt, having a capacity of one hundred and eight gallons;
- (d) herring tubs, having a capacity of sixteen gallons;

Weights and Measures Act—continued

- (e) herring barrels, having a capacity of thirty-two gallons;
- (f) sand barrels for the sale of sand, having a capacity of eighteen gallons;
- (g) coal tubs for the sale of coal, having a capacity to contain by weight 100 pounds or multiples of 100 pounds.

19. In the Province of Newfoundland, those spring scales which are in use in trade, but which are not legal for trade in the other provinces, may continue to be so used, but

- (a) when they no longer maintain accuracy, or require major repairs, they shall be sealed against further use, and
- (b) after the 1st day of July, 1952, spring scales which have not been approved and classified shall not be sold by importers, manufacturers or dealers for use in trade.

REJECTION AND REPAIRS

20. (1) A weight, measure or machine which does not meet the requirements of these regulations shall be rejected, and unless it is repaired immediately and is re-inspected and passed, the inspector shall affix to it a rejection tag and also seal it against further use until repairs are made; provided that, in his discretion, he may postpone sealing and permit the continued use for a period not to exceed sixty days but, except in extraordinary circumstances, if it is not repaired in the period so allowed, it shall be sealed against use.

(2) Weights, measures and machines which have undergone repairs or overhaul shall be subject to inspection before re-use, and the person making repairs shall be responsible for giving notice to the District Inspector having jurisdiction that repairs have been made.

(3) When a weight, measure or machine has been repaired and notice has been received by the District Inspector having jurisdiction, he may, in his discretion, permit it to be used prior to re-inspection.

(4) No person shall remove a rejection tag or break a seal except for the purpose of effecting repairs.

(5) Where ancillary equipment causes any weight, measure or machine to depart from the tolerances prescribed in these regulations, such device shall be subject to rejection in the same way as if the ancillary equipment were a component part.

21. Whenever any weight, measure or weighing or measuring machine is seized by an inspector under the Weights and Measures Act, he shall report such seizure to the Director and hold the device pending instructions.

INSPECTION OF NON-TRADE DEVICES

22. Inspectors, upon request, may inspect laboratory, precision or non-trade devices, but no such device shall be stamped nor shall a certificate be issued, though the inspector may deliver a statement indicating the results of the test.

DUTIES OF TRADERS

23. At all reasonable times, manufacturers, importers, traders and dealers shall produce weights, measures, weighing machines and measuring machines upon request, provide reasonable facilities for inspection, and meet all reasonable requests for assistance.

Weights and Measures Act—continued

24. It shall be the duty of traders to ensure:

- (a) that automatic indicating scales, including dial or computing scales, maintain correct zero position when the load receiving element is empty;
- (b) that beam type scales, including platform scales, maintain zero balance between loadings when the poises are in their respective zero positions and any counterpoise weights are removed;
- (c) that other devices, including meter pumps, in which the return to zero is manually operated, be reset to zero before re-use;
- (d) that measuring or vehicle tanks which are not equipped with meters shall be provided with markers, gauge sticks or other approved devices which will indicate the volumetric content at any time;
- (e) that any weighing or measuring machine in retail use after approval under these regulations is so located on the premises that the means of registration, which were included in the approval, can be clearly read by a customer.

WEIGHTS AND MEASURES OF COMMODITIES

25. (1) The requirements of the Weights and Measures Act and of these regulations covering the marking of and tolerances permitted in pre-packaged goods shall apply only to those goods which are not subject in those respects to the requirements of any other Act or regulations; provided that nothing shall prevent an inspector from examining and checking any pre-packaged goods.

(2) Except as provided in subsection (1), all pre-packaged goods packaged by weight or measure shall be conspicuously marked to show the net quantity at time of sale.

(3) The net quantity of pre-packaged goods, being the quantity exclusive of wrapper or container, shall not be deemed to be in deficiency if the quantity delivered on purchase is not short by more than the tolerance prescribed in Schedule VIII.

26. When any article is weighed or measured by a vendor at the time of sale and in the presence of the purchaser, the weight or measures shall not be deemed to be in deficiency if it is not less than the declared quantity by more than the tolerance prescribed for the weight, measure, weighing machine or measuring machine actually used and, if the article is weighed or measured in a wrapper or container, due allowance shall be made by the vendor for such wrapper or container.

FEES

27. Fees as prescribed in Schedule IX shall be payable before the delivery of any certificate under these regulations, and when any device is found satisfactory on re-inspection after rejection, the fees shall be limited to the expense incurred by the inspector for travel or carriage of testing equipment.

28. Fees as prescribed in Schedule IX shall be paid for request inspections; provided that, where additional expense is involved for travel or carriage of testing equipment, the fees levied shall cover such expense.

29. When an inspector is delayed in the conduct of inspections in order that repairs or adjustments may be made to that device which is under inspection, or by reason of lack of co-operation or assistance on the part of

Weights and Measures Act—continued

the owner or user, the inspector shall include in the fee a charge for such delay at the rate of 2.00 per hour and, in addition, if an inspector is using hired transport, he shall include in the fee the prorated cost of such transport.

30. When an inspector has been authorized to make minor adjustments and has been requested to do so by the owner, he shall include in the fee a charge for his time at the rate of \$2.00 per hour.

Schedule I

SPECIFICATIONS AND TOLERANCES FOR WEIGHTS

Denomination

1. Avoirdupois Weights shall be the multiples or binary sub-multiples of the pound, and all counterpoise weights shall be multiples of the pound or binary or decimal sub-multiples of the pound or multiples of the ounce; provided that weights for use in the tobacco trade may be other than binary sub-multiples of the pound.

2. Special counterpoise weights may be allowed on platform scales for weighing barrels of flour or other approved purposes.

Identification and Marking

3. Weights shall be marked to show clearly their nominal value and counterpoise weights shall also show the value they represent on the scale for which they are intended.

4. Except in cases where they are so small as to make it impracticable, all weights other than avoirdupois shall be marked with their numerical value and the system represented. Troy weights shall be marked "T." and metric weights "Kg", "G". Small wire grain weights may represent their value by approved distinctive shapes.

Composition, Design and Construction

5. Weights shall be made of any metal or metals not softer than brass, except that weights of less than 100 grains shall be made of non-corroding metal.

6. Weights shall be smooth and reasonably free from grooves or indentations in which foreign matter may accumulate. The depth of reducing holes shall not exceed one-half of their diameter.

7. Cast iron weights may be painted, provided the resulting coat is thin and durable.

Adjusting Means

8. All adjusting holes intended to hold lead shall be undercut or otherwise made to ensure the lead is held securely in place. In no case shall the adjusting material project beyond the surface of the weight.

9. Counterpoise weights made of cast metal when too thin to hold an adjusting and stamping plug shall be so made as to be provided with a boss or lug thick enough to hold the prescribed plug.

10. Not more than two adjusting plugs will be allowed in a single weight.

Weights and Measures Act—continued

11. Weights of hollow construction equipped with screw top or plug must be provided with positive means of locking (other than by friction) the top to the body of the weight. If equipped with a ring, such ring shall not be removable.

Tolerances

Any trade weight shall fulfil the appropriate tolerance indicated in Tables 1, 2 or 3 at original verification unless otherwise specified within the regulations. The same tolerance in excess, and one-half this tolerance in deficiency, shall apply at subsequent inspections. The tolerance for intermediate values of weights shall be interpolated proportionately.

The tolerance for weights of equal arm pan over beam scales may be twice the tolerance indicated in Tables 1, 2 or 3, both in excess and deficiency.

The tolerances for proportional or ratio weights of a ratio over 10-1 shall not be greater than one-half the tolerances specified in this Schedule.

Approval

Approval tolerances for weights shall be as shown in Tables 1, 2, 3 and 3(a).

TABLE 1

AVOIRDUPOIS WEIGHTS

<i>Nominal Weight</i>	<i>Tolerance in Excess</i>
100 lbs. or over .....	.015 per cent
50 "	50 grains
30 "	30 "
20 "	20 "
10 "	15 "
5 "	8 "
3 "	4 "
2 "	3 "
1 lb.	2 "
8 oz.	1.0 "
4 "	1.0 "
2 "	1.0 "
1 "	1.0 "
8 drams	0.5 "
4 "	0.5 "
2 "	0.5 "
1 dram	0.25 "
$\frac{1}{2}$ "	0.25 "

TABLE 2

TROY WEIGHTS

<i>Nominal Weight</i>	<i>Tolerance in Excess</i>
1,500 ounces	7 grains
1,000 "	5 "
500 to 300 ounces incl.	4 "
200 to 100 " "	3 "
50 to 30 " "	2 "
20 to 10 " "	1 grain
5 to 3 " " .....	.5 "
2 ounces .....	.3 "
1 ounce .....	.2 "

Weights and Measures Act—continued

TABLE 3

METRIC WEIGHTS			
<i>Nominal Weights</i>		<i>Tolerance in Excess</i>	
20 kilogrammes	.....	3000	milligrammes
10 “	.....	2000	“
5 “	.....	1000	“
2 “	.....	500	“
1 kilogramme	.....	250	“
500 grammes	.....	150	“
200 “	.....	100	“
100 “	.....	75	“
50 “	.....	50	“
20 “	.....	40	“
10 “	.....	25	“
5 “	.....	20	“
2 “	.....	20	“
1 gramme	.....	10	“
5 decigrammes	.....	5	“
2 “	.....	2	“
1 decigramme	.....	1	milligramme
5 centigrammes	.....	0·5	“
2 “	.....	0·2	“
1 centigramme	.....	0·1	“

Tolerances in excess of deficiency for metric weights used in connection with butter fat test scales and moisture test scales shall be as prescribed in Table 3(a), provided that tolerations for weights greater than as stated shall be interpolated proportionately.

TABLE 3(a)

<i>Nominal Weight</i>	<i>Tolerance</i>
18 grammes	10 milligrammes
10 grammes	5 milligrammes
9 grammes	5 milligrammes

Schedule II

SPECIFICATIONS AND TOLERANCES FOR WEIGHING DEVICES

PART I

GENERAL REQUIREMENTS FOR ALL CLASSES OF SCALES

Identification and Marking

1. All weighing machines shall be clearly marked with the capacity, model and serial number, and the maker's name or registered trade mark.

Composition, Design and Construction

2. Any weighing device shall balance freely at zero indication.

3. All weighing machines shall maintain accuracy within the tolerance through any temperature change encountered in normal use.

Weights and Measures Act—continued

4. Weighing devices or components of weighing devices, such as springs, whose weighing function is appreciably affected by temperature changes, shall either be equipped with automatic means for correction of errors caused by temperature variations, or shall be of such chemical composition as to neutralize any appreciable error due to temperature variations; provided that ice scales may be excepted from this condition.

5. Knife edges, point pivots, bearings or loops shall be smooth and made of hardened steel, agate or other substance, and the bearing surface shall be at least as hard as the opposing knife edge or pivot point. The use of chilled iron is restricted to foot rest bearings in machines not exceeding 300 lbs. capacity. Pivots and bearings shall be in alignment and bear over the whole length of their working parts, and pivots shall be securely fixed in their proper position.

6. Anti-friction plates or caps used to limit the side play or movement of the knife edge in its bearings, and the end of the knife edge, shall be of such hardness and design as to reduce contact friction to a minimum.

7. Damping devices when incorporated in scales shall be so adjusted as to permit normal operation of the means of indication when the scale is in use or when under test.

8. The foundations and supports of any scale shall be such as to ensure adequate strength, rigidity and permanence. All working parts shall be in proper condition as to level and vertical alignment, and adequate clearance shall be provided around all live parts.

9. In pit scales, the foundation shall be deep enough to avoid disturbance from frost, and the pit deep enough to permit the proper inspection of the scale irons and levers and wide enough to permit adjustment of the nose iron.

10. The base of portable scales shall be sufficiently strong and rigid to carry the load without change of level or other distortion.

11. Beam stands or dial cabinets shall be mounted on solid and rigid foundations to ensure against possible deflection under load, and be so constructed as to avoid disturbance by frost.

12. If the scale is equipped with relieving gear, the latter shall be so constructed that its use will not affect the balance of the scale.

13. Platform scales shall be provided with necessary devices to maintain the central alignment of the platform and to prevent displacement of the knife edges in their bearings.

14. When check rods are incorporated in a scale they shall be installed so as to prevent their displacement when the scale is in use.

15. Adequate stops shall be provided to prevent the beam poise travelling and remaining back of the zero graduations.

16. Each weighing device shall be provided with two circular soft metal plugs, one rectangular plug, or some equivalent provision for the application of inspection stamps. They shall be in a suitable position and accessible when the scale is in use. Each circular plug shall be not less than $\frac{5}{8}$ " in diameter and each rectangular plug shall be not less than $\frac{1}{2}$ " wide and 1 square inch in area.

Weights and Measures Act—continued*Adjusting Means*

17. Any adjustable weighing element such as a nose iron, a pendulum or a spring (but not an element for adjusting level or zero load balance) shall be held securely in adjustment and shall not be adjustable from the outside of the scale.

18. The range of balance ball adjustment shall not exceed one per cent of the capacity of the machine and, shall be operated by means of a detachable instrument such as a screw driver, or be provided with a position locking device. In the case of small capacity scales the positioning of the balance ball may be controlled by friction. All loose material shall be securely enclosed and anchored in any balance ball.

Indication of Registration and Graduations

19. No weighing machine shall be graduated with weight graduations finer than the sensitive toleration provided for its class unless the machine is made to respond to such finer graduations.

20. On all machines, the beam or indicator shall oscillate freely and smoothly, and shall balance with the scale unloaded, with the sliding poises in their respective zero notches, and with all loose counterpoise weights removed.

21. All beams shall have a zero graduation, unless otherwise approved by the Director, and shall be clearly and precisely marked by means of clearly defined parallel lines or notches, or a combination of both. The horizontal alignment shall also lie in approximately the same or parallel plane as the pivot line. The graduations shall be equal among themselves and perpendicular to the edge of the beam unless otherwise specially approved by the Director, and so marked as to give a clear and unmistakable reading of the weight they represent.

22. Beam poises shall be so made that:

- (a) they are not easily detachable from the beam;
- (b) there are no parts that are easily detachable or accessible for fraudulent weighing;
- (c) locking screws cannot be completely withdrawn;
- (d) adjusting material in a poise shall be securely enclosed, fixed in position firmly, and not in contact with the beam;
- (e) poises on notched beams shall be equipped with a latch, pawl or other similar device for exactly locating the poise in its correct position in each notch and without play or movement. The tip of the device shall be relieved so that small amounts of foreign matter in the bottom of the notch will not prevent the poise from assuming its correct position;
- (f) the reading edge or indicator of a poise shall be sharply defined, parallel with the graduations, and sufficiently close to the graduations to prevent appreciable errors through parallax.

23. If a scale has more than one indication of registration, the load indicated at each station shall be identical.

Weights and Measures Act—continued*General*

24. Weighing devices submitted for approval listing may be required, at the discretion of the Director, in addition to normal tests at 68° F. for sensitiveness and accuracy, to undergo similar tests after being subjected to

- (a) 12 hours at 20° F. and
12 hours at 100°F.; and
- (b) Up to 100,000 loadings (equal to the capacity of the device), such loadings to be applied at a speed of 24 inches per minute, the means of indication being allowed to come to rest between loadings.

25. Hopper and tank scales shall be provided with means for supporting or suspending sufficient test weights to enable satisfactory tests to be made.

PART II**REQUIREMENTS FOR PARTICULAR CLASSES OF SCALES***Stock Scales and Grain Dumps*

26. When the installation of a weighing machine for special purposes involves and includes the application of auxiliary equipment, such as cattle frames, fences or dumping machinery for grain scales, such equipment shall be so installed and applied as to prevent interference with free and accurate weighing.

27. In scales used for weighing livestock, any guard, fence or rail used shall constitute part of the live platform of the scale, so that contact between animal and fence will not affect correct weighing.

28. In elevator scales, dump machinery shall be of such design and construction as to offer no facility for fraudulent practices during the process of weighing, or to cause no interference with the free action of the scale.

Vehicle Scales

29. Vehicle scale installations shall provide means of access to the understructure for inspection or adjustment purposes.

30. A vehicle scale shall have a straight driveway approach at one end of the scale and on the same plane as the platform. The length of such driveway shall be at least 75 per cent of the length of the scale deck.

31. The main beam on vehicle scales shall be notched. In case of additional beams, equipped with poises, over 10 per cent of the total scale capacity shall also be notched. The notches may be either on the top or bottom of the beam, provided suitable provision is made to hold the poise firmly in place.

32. The value of the minimum graduation on a vehicle scale shall not be greater than 20 pounds.

33. Pitless scales (i.e., vehicle scales not provided with any pit foundation) may be used for such special service, as highway construction work, where no permanency of location obtains, or for other special uses as approved by the Director.

Weights and Measures Act—continued*Steelyards*

34. Steelyards shall be marked with zero graduations.

35. The beam must oscillate freely on its fulcrum bearings, and be sufficiently strong to carry its maximum load without deflection.

36. Steelyards of over 10 pounds capacity shall be provided with a bridle, stop or other suitable arrangement to limit oscillation and prevent precipitous tipping of the beam and injurious sliding of the poises.

37. Steelyards shall not be equipped with reversible hooks or with more than two hooks, nor shall they be fitted with double detachable poises of different capacities with double values for each graduation on the beam. Sliding poises and suspending hooks shall be securely attached to the device.

Computing Scales

38. Computing scales must be correct both with respect to weight and money value graduations.

39. Any device for adjusting zero balance shall be so made that it can only be operated by means of some separate and independent tool. If levelling feet are used to adjust zero, they shall be equipped with a locking device.

40. Indications of weight shall be shown on both the dealer's and customer's sides of the chart, and they shall read alike.

41. A computing scale shall be constructed as to disclose a sufficient number of weight graduations on the customer's side of the scale or a sufficient number of both money value and weight graduations on the dealer's side so that for any load within the weighing range of the scale, the weight and value indications can be accurately read. If the device is equipped with a lens or magnifying glass, such lens must be of sufficient quality to magnify without appreciable distortion of the image.

42. Graduation lines shall be fine enough to give clear and precise indications of both weight and money value over the finest scale of graduations.

43. The reading edge, line or indicator shall be sharply defined and at the reading point not wider than the graduation line. Wires or other means of indication shall be straight and lie parallel or in line with the graduation lines. They must stand as close to the chart as mechanically possible without interference, or such that no appreciable error in the reading will result from parallax. Indicating lines shall be firmly and securely fixed in position, preferably in a permanent way.

44. All money values up to and including thirty cents per pound shall give cents valuations, but there shall be not more than 35 consecutive cent or other graduations to the inch, or when magnified appear to be 35 graduations to the inch. Over thirty cents per pound, the minimum space between consecutive money graduations shall not exceed two cent valuations. Money graduations other than 1 and 2 cents may be approved at the discretion of the Director, but must be not located between the 1 and 2 cents graduations.

Weights and Measures Act—continued*Prepackaging Scales*

45. A computing scale designed to be used exclusively for putting up packages in advance of sale may be manufactured without weight graduations on the customer's side. Such scales may be equipped with an auxiliary, manually operated balancing device, and this may be used only to compensate for tare weight. As this type of scale is restricted in use, it shall be appropriately marked.

46. The tare adjustment of an automatic indicating prepackaging scale must be so located that it may only be adjusted by a deliberate action of the operator.

Equal Arm Scales

47. The two arms of the beam shall be equal length. The beam shall be sufficiently strong to carry the maximum load with a minimum of deflection, and in no case shall the deflection be such as to affect the accuracy of the scale.

48. In balances carrying the load above the fulcrums, the parallelogram and check rod mechanism shall be so made that it cannot be distorted or manipulated to effect unjust weighing without obvious use of force.

49. A removable scoop and special counter-balance weight is not permitted to be used on equal arm scales.

50. The beam must oscillate freely and smoothly and come to rest in a position of equilibrium.

51. If the instrument has interchangeable or reversible parts, such as load hooks and pans, their interchange or reversal shall not affect the balance or accuracy of the instrument.

52. Equal arm scales shall weigh within the applicable tolerance under the following conditions:

- (a) with capacity load placed at the central point of the load receiving element;
- (b) with one-half capacity load placed midway between the central point of the load receiving element and its perimeter.

53. Balances having the load suspended shall be equipped with a pointer or some equivalent device to indicate the position of equilibrium.

54. When equal arm scales are equipped with over and under charts, such charts may show graduations to determine the travel of the pointer, but such graduations shall not represent a weight value. However, graduations with weight values may be approved if the over and under mechanism is provided with a stable and permanent means of weight indication.

Automatic Indicating Scales

55. There shall be a definite and clear zero graduation on an automatic indicating scale or balance indicator whether or not the entire reading face is graduated, and provision shall be made for giving an indication on either side of the zero graduation sufficient to show clearly an out-of-balance condition.

56. An automatic indicating scale balance indicator shall be equipped with effective means for damping oscillation whenever such means are necessary to bring the indicating elements quickly to rest.

Weights and Measures Act—continued

TOLERANCES AND SENSITIVITY

Tolerances

The tolerances or error applicable at any graduation point within the rated capacity of a scale shall not exceed the maximum tolerances prescribed for the scale type, provided that such error need not be less than one-quarter of the permissible error at rated capacity.

Tolerances when not particularly specified for any load may be interpolated proportionately.

Tolerances as specified shall also apply to corner tests, provided that the maximum allowable error on corner tests of vehicle scales may be twice the appropriate tolerance indicated in Table 5 if the algebraic mean of the errors of the two corners of any one end does not exceed the prescribed tolerance.

A platform scale shall weigh correctly with the maximum load or any part of it placed in the centre of or distributed over the platform, and with not more than fifty percent of the maximum load placed at either end, or with no more than twenty-five per cent at any one corner. This does not include vehicle scales, which may support 70 per cent load on either end.

For weighing mechanisms equipped with automatic recording devices, the applicable tolerances may be increased 50 per cent, provided that when the recording device is detached the tolerances as specified in Tables 4 and 5 shall apply.

Sensitivity

Beam and Equal Arm Scales (Pan over Beam Type)

The sensitivity shall be the minimum weight required to be added to a load to cause the beam of a scale to move from its position of equilibrium at the central point between stops to the limit of its travel and have a tendency to remain in that position.

Scales equipped with Over and Under Indicator, not Graduated with Weight Indications

The sensitivity shall be the minimum weight required to be added to the load to cause the indicator to move from its position in line with the zero mark to a position which gives a clear interval of not less than $\frac{1}{32}$ inch between the edge of the indicator index and the adjacent side of the zero indicating line.

Automatic Indicating Scales, equipped with dial or chart, including scales equipped with Over and Under Indicators, Graduated with Weight Indications.

Sensitivity does not apply to scales of this type unless the reading face mechanism is purely auxiliary to the weighing device; in this case the sensitivity prescribed shall apply when the auxiliary device is detached.

The maximum weight required for the sensitivity test shall not be greater than one-half the tolerance of error at full capacity, nor greater than the value of two of the minimum weighbeam graduations, whichever is less.

Weights and Measures Act—continued

Tolerances specified in Table 4 shall apply to all small capacity scales commonly used on counters or stands, suspended scales and portable floor scales of a capacity of 400 pounds and under, except when other provision has been made within the regulations or by approval listing.

Tolerances for equal arm scales of the beam over pan type shall be $\frac{1}{2}$ the tolerance shown in Table 4.

TABLE 4

<i>Known Test Load</i>	<i>Tolerance in Excess or Deficiency</i>
8 oz.	1 dram
1, 2 and 3 lbs.	2 drams
Over 3 lbs. to 6 lbs.	3 drams
Over 6 lbs. to 10 lbs.	4 drams
Over 10 lbs. to 15 lbs.	6 drams
Over 15 lbs. to 20 lbs.	8 drams
Over 20 lbs. to 100 lbs.	8 drams, plus 2 drams for each 10 lbs, added load over 20 lbs.
Over 100 lbs. to 400 lbs.	$1\frac{1}{2}$ oz. per 100 lbs. of load.

Approval

For the purposes of approval, the maximum tolerance for scales covered in Table 4 shall be four grains for each pound of capacity, plus twenty-five grains. On intermediate loads the tolerance shall be proportional except that in no case shall it be less than $\frac{1}{4}$ of the maximum tolerance for the scale.

Tolerances specified in Table 5 shall apply to all scales, such as floor portable and suspension scales over 400 lbs. capacity, dormant and portable heavy duty scales, except where other provision has been made within the regulations or by approval listing for special conditions.

TABLE 5

<i>Known Test Load</i>	<i>Tolerance in Excess or Deficiency</i>
Less than 100 lbs.	2 oz.
Over 100 lbs. to 800 lbs.	2 oz. per 100 lbs. of load
Over 800 lbs. to 1,000 lbs.	1 lb.
Over 1,000 lbs.	1 lb. per 1,000 lbs. of load.

Approval

For the purposes of approval of type of scale covered in Table 5, the tolerances shall be three-quarters of those shown in Table 5.

TABLE 5(a)

RAILWAY TRACK SCALES

The tolerance of error in excess or deficiency shall be not greater than .075 per cent of the known test load.

Weights and Measures Act—continued

When a track scale is equipped with an automatic printing device, the error in the printed recording shall not exceed .15 per cent of the known test load.

The minimum test weight to be used when testing track scales shall be 30,000 lbs.

The sensitivity of a track scale when the known test load is applied shall not be greater than one-half the error allowed for the known test load, nor need it be less than 25 lbs. for any test load.

When making sectional tests on 4 or 5 Section Scales, as when a short wheel base test car is used, the scale error shall be computed as follows:

- Half the sum of the two largest plus errors, or
- Half the sum of the two largest minus errors, or
- Half the sum of the largest plus and smallest minus errors, or
- Half the sum of the largest minus and smallest plus errors,

and shall be not greater, plus or minus, than three-quarters of the one thousandth part of the test car or test load used.

When making end tests on two Section track scales, the scale error shall not exceed .075 per cent plus or minus, of the known test load.

Approval

For the purpose of approval of type of scales covered by Table 5(a), the tolerances shall be the same as the tolerances shown in Table 5(a).

The tolerances prescribed in Table 6 shall apply to all elevator scales.

TABLE 6

Capacity of scale in lbs.	Sensitive tolerance empty or fully loaded	Greatest error allowed in excess or deficiency empty or fully loaded
2— 3,000 lbs. ..	1 lb.	1 lb.
6— 9,000 “ ..	1½ lbs.	2½ lbs.
12— 15,000 “ ..	2½ “	5 “
18— 24,000 “ ..	4 “	6 “
30— 36,000 “ ..	6 “	8 “
42— 48,000 “ ..	7 “	10 “
60— 80,000 “ ..	8 “	15 “
100—120,000 “ ..	9 “	18 “

For intermediate capacities the tolerance of error shall be proportional, the same tolerance to apply to both original and subsequent inspection.

Approval

For the purpose of approval of type of scales covered by Table 6, the tolerances shall be the same as in Table 6.

The tolerances prescribed in Table 4 shall apply to grain test and dockage type scales.

The tolerance of error prescribed in Table 6(a) shall apply to cream test and moisture test scales, in excess or deficiency.

Loads other than 10 grams shall be interpolated proportionately.

Weights and Measures Act—continued

TABLE 6(a)

<i>Known Load</i>	<i>Tolerance</i>	<i>Sensitivity</i>
10 grams	20 milligrammes	15 milligrammes

Approval

For the purposes of approval of the scales covered by Table 6(a), the error tolerance shall be $\frac{3}{4}$ and the sensitivity tolerance $\frac{2}{3}$ of that shown in Table 6(a).

Precious metal scales shall be of the equal arm type with suspended pans, unless specially approved; the tolerances shall be as specified in Table 7. Tolerances for intermediate capacities or intermediate known loads to be interpolated proportionately.

TABLE 7

<i>Capacity</i>	<i>Maximum error allowed in excess or deficiency</i>	<i>Sensitivity fully loaded</i>
1 oz. Troy .....	.1 grain .....	.05 grains
10 ozs. " .....	.3 grains .....	.2 "
30 " " .....	.7 " .....	.4 "
50 " "	1.0 " .....	.5 "
100 to 200 ozs. Troy inc.	4.0 "	2.0 "
300 to 500 " " "	10.0 "	5.0 "
1,000 ozs. Troy	20.0 "	10.0 "

Approval

For the purposes of approval of the scales covered by Table 7, the tolerances shall be the same as in Table 7.

Automatic discharging scales granted approval listing shall be subject to tolerances of error specified in Tables 4 and 5, whichever is applicable, unless specially approved for a particular purpose; except that automatic discharging scales for weighing coffee, tea and spices shall be subject to tolerances specified in Table 8.

TABLE 8

<i>Load Discharged</i>	<i>Maximum Tolerance of Error in Excess or Deficiency</i>
1 to 7 ozs. inc.	$\frac{1}{4}$ dram
8 to 15 " "	$\frac{1}{2}$ "
1 to 4 lbs. "	1 "
5 to 10 " "	2 drams

Approval

For the purposes of approval of the scales covered by Table 8, the tolerances shall be the same as in Table 8.

Weights and Measures Act—continued*Crane Scales, Conveyor Scales, and Automatic Scales, for Restricted Use*

Unless specified by approval the maximum tolerance of error allowed for conveyor scales, crane scales, and automatic discharging weighing machines, for bulk weighing of crude or cheap materials, such as crude ore, salt, fertilizer, lime, cement and similar products, shall not be greater than one-half of one per cent in excess or deficiency of the load weighed.

Chains which have been certified for weight, with a metal tag sealed to them bearing their weight and length, may be used for verifying belt conveyor scales.

Metric Weighing Machines

Metric weighing machines shall have the same equivalent tolerances as approved for other scales of similar type and equivalent capacity unless tolerances have been specified in these regulations.

Schedule III

SPECIFICATIONS AND TOLERANCES FOR LINEAR MEASURES

PART I

STATIC MEASURES

Identification and Marking

1. Measures shall have their denominations marked on them in legible figures and letters by stamping, engraving, embossing or other permanent means.

2. Metric measures of length shall comply with the below-noted requirements, and shall not be marked in both Canadian and metric measure.

Composition, Design and Construction

3. Rigid measures of length shall be smooth and straight, and made of steel, brass, hardwood or some such material which will retain shape and remain reasonably permanent under normal conditions.

4. The ends of measures of wood or other material liable to wear away through use shall be protected by some metal not softer than brass, permanently attached to the measure.

5. Tape measures of length shall be made of steel, woven tape or other suitable material, and when tested under tension as shown in the table included in this Schedule, shall not exceed the tolerance prescribed.

Indication of Registration and Graduations

6. Graduation lines shall be clear and distinct with the main graduation plainly designated. The lines of main graduations shall be longer than those of minor graduations. Graduation lines shall not be wider than one-quarter of the value of the smallest sub-division, nor exceed one-thirty-second ($\frac{1}{32}$) of an inch.

7. The median of any graduation line shall be considered the true position of such line.

8. All graduations shall be uniformly spaced, perpendicular to the edge of the measure, and applied in a permanent manner.

Weights and Measures Act—continued

PART II

FABRIC MEASURING DEVICES

Identification and Marking

9. All fabric measuring devices shall be clearly marked with the capacity, model and serial number, and the maker's name or registered trade mark.

10. If a device will not accurately measure all fabrics, it shall be marked in a permanent manner to indicate its limitations.

11. Any necessary operating instructions shall be clearly affixed to the device.

12. Fabric measuring devices shall indicate lengths in terms of eighth yards, quarter yards, half yards and yards. Lengths may also be indicated in terms of any or all of the following subdivisions: one-third yard, one-sixth yard, one-sixteenth yard, one foot and one inch.

Indication of Registration and Graduations

13. The clear interval between graduations shall not be less than $\frac{1}{16}$ inch for one-eighth yard graduations, and $\frac{1}{8}$ inch for one inch graduations.

14. The index of the indicator shall not exceed the width of the narrowest graduations with which it is used, and shall in no case exceed 0.015 inch.

15. Primary indicating elements shall be returnable to a definite zero indication; means shall be provided to prevent the return of the indicating elements beyond their correct zero positions.

16. In a full computing type, the money value at each of a series of unit prices shall be computed automatically for every length within the range of measurement of the device. Value graduations shall be supplied and be accurately positioned. The value of each graduation interval shall be 1c at all prices per yard of 30c or less, and shall not exceed 2c at higher prices per yard. Five cent intervals may be represented in the 2c range by special graduations, but these shall not be positioned in the clear intervals between graduations of the regular series.

17. In a limited computing type, the money values at each of a series of unit prices shall be computed automatically only for lengths corresponding to a definite series of length graduations. There shall be no value graduations. At no position which the chart can assume shall two value figures at the same price per yard be completely and clearly exposed to view at one time. Money values shown shall be mathematically accurate, except that a fraction of less than $\frac{1}{2}$ c shall be dropped, and that the next higher cent shall be shown in the case of a fraction of $\frac{1}{2}$ c or more. One of the following requirements shall be met:

- (a) There shall be a money value computation for each length graduation within the range of measurement of the device.
- (b) No money value computation shall be exposed to view except at such times as the device shows a length indication for which a corresponding series of value indications is computed.

Weights and Measures Act—continued

- (c) Each column or row of money value computations will be marked to show the length to which the computations correspond, the device shall be marked to show the character and limitations of the computations, and there shall be computations corresponding to at least $\frac{1}{8}$ yard throughout the range of measurement of the device.

18. The indication of measurement and money values shall be accurate within the tolerances specified when the device is operated at any speed or manner to which it is liable to be subjected in commercial use, and whether it is operated in a backward or forward direction.

PART III

CORDAGE MEASURING DEVICES, INCLUDING WIRE, CABLE AND
SIMILAR MATERIAL

Identification and Marking

19. All cordage measuring devices shall be clearly marked with the capacity, model and serial number, and the maker's name or registered trade mark.

20. If the device is intended to measure only certain types of materials, its limitations shall be clearly and permanently marked on it.

21. Any necessary operating instructions shall be clearly affixed to the device.

Adjusting Means

22. If the device is readily adjustable, means must be provided for applying a lead and wire seal.

Indication of Registration and Graduations

23. A cordage measuring device shall indicate lengths in terms of feet.

24. The measuring elements shall be constructed to reduce to the practical minimum the slippage of material being measured and lost motion in gear trains.

25. The means of indication shall be so constructed that the proper method of reading the indications will be readily apparent. The motion of the most sensitive indicating element shall be continuous as the material being measured is passed through the device; the motion of the other indicating elements may be intermittent. If the most sensitive element of the indicating system utilizes an indicator, the relative movement of these parts shall be not less than one-quarter inch per measured foot.

26. If additional indicating elements are used to tally feet, tens of feet, hundreds of feet, etc., they shall advance in the same direction and shall be accurately synchronized. Indicating means shall be susceptible to advancement only by mechanical operation of the device, and shall be readily returnable to a definite zero indication. Means shall be provided to prevent the return of the indicating elements beyond the correct zero position, provided that a device may be cleared by advancing the indicating elements to zero if

- (a) all indications are automatically observed until a correct zero position is established, or
- (b) if the clearing operation once started cannot be interrupted and automatically continues until correct zero setting is established.

Weights and Measures Act—continued

27. Graduation lines shall be not wider than .04 inch. The index widths of the indicator shall

- (a) be equal to the width of the graduation lines if these lines are all of equal width, or
- (b) be not greater in width than the width of the main graduations, nor less in width than the width of the subordinate graduations.

28. Indicating elements shall be identified by suitable words or legends so that the values of the indications will be unmistakable.

Tolerances

The appropriate tolerances for devices in the foregoing categories are shown in the following tables.

TABLE 9
LINEAR MEASURES
(Metal and Fabric Tapes)

Length	Tolerances (Long or Short)
76 to 100 feet incl.	$\frac{1}{4}$ inch
51 to 75 " "	$\frac{3}{16}$ "
31 to 55 " "	$\frac{1}{8}$ "
7 to 30 " "	$\frac{1}{16}$ "
3 to 6 " "	$\frac{1}{32}$ "
1 and 2 "	$\frac{1}{64}$ "

Tapes of less than 25 feet shall be at a tension of 5 lbs., and tapes longer than 25 feet at a tension of 10 lbs., when verified. All tapes shall be supported on a flat horizontal surface.

Approval

For the purposes of approval of devices covered by Table 9, the tolerances shall be the same as in Table 9.

TABLE 9(a)
LINEAR MEASURES
(Other than Tapes—Yardsticks and Counter Static Measures)

Length	Tolerances (Long or Short)
6 feet	$\frac{3}{32}$ inches
5 "	$\frac{5}{64}$ "
4 "	$\frac{1}{16}$ "
3 "	$\frac{3}{64}$ "
2 "	$\frac{1}{32}$ "
1 foot	$\frac{1}{64}$ "

The tolerances prescribed in Tables 9 and 9(a) shall apply at both original inspection and subsequent inspections.

Approval

For the purposes of approval of devices covered by Table 9(a), the tolerances shall be the same as in Table 9(a).

Weights and Measures Act—continued

TABLE 10
FABRIC MEASURING DEVICES

<i>Length</i>	<i>Tolerance under registration</i>	<i>Tolerance over registration</i>
2 yds. or less	$\frac{3}{8}$ inch	$\frac{1}{4}$ inch
3 " " "	$\frac{3}{8}$ "	$\frac{5}{16}$ "
4 " " "	$\frac{1}{2}$ "	$\frac{5}{16}$ "
5 " " "	$\frac{5}{8}$ "	$\frac{3}{8}$ "
6 " " "	$\frac{3}{4}$ "	$\frac{3}{8}$ "
7 and 8 yds.	1 "	$\frac{1}{2}$ "
9 yds.	$1\frac{1}{4}$ "	$\frac{5}{8}$ "
10 and 11 yds.	$1\frac{1}{2}$ "	$\frac{3}{4}$ "
12 and 13 yds.	$1\frac{3}{4}$ "	$\frac{7}{8}$ "
14 and 15 yds.	2 "	1 "
Over 15 yds.	Add $\frac{1}{8}$ inch per indicated yard	Add $\frac{1}{16}$ inch per indicated yard

One-half the tolerances prescribed in Table 10 to apply at original verification, except that the tolerance need not be less on under registration than $\frac{1}{4}$ inch.

Approval

For the purpose of approval of devices covered by Table 10, the tolerances shall be the same as those which apply for original verification.

TABLE 10(a)
CORDAGE AND WIRE MEASURING DEVICES

<i>Length</i>	<i>Tolerance under registration</i>	<i>Tolerance over registration</i>
0 to 10 feet incl.	1 inch	$\frac{1}{2}$ inch
11 to 20 " "	2 "	1 "
21 to 30 " "	3 "	$1\frac{1}{2}$ "
31 to 40 " "	4 "	2 "
41 to 50 " "	5 "	$2\frac{1}{2}$ "
Over 50 feet	Add 2 inches per 50 feet	Add 1 inch per 50 feet

Tolerances for original verification shall be one-half the tolerances shown in Table 10(a).

Approval

For the purposes of approval of devices covered by Table 10(a), the tolerances shall be the same as those which apply for original verification.

Schedule IV
SPECIFICATIONS AND TOLERANCES FOR STATIC
MEASURES OF VOLUME

Identification and Marking

1. For the purposes of these regulations, a static measure of volume means a container which bears permanently upon it an indication of its

Weights and Measures Act—continued

capacity, the maker's name or registered trade mark, and which discharges by gravity through a spout or over a lip or rim. A measure or measuring tank which is drained from the bottom shall be deemed to be a mechanical device.

Composition, Design and Construction

2. A measure of volume may be made of any suitable material that has sufficient strength, rigidity and durability to maintain its form and accuracy and resist indentation, distortion or breakage under ordinary conditions of use. It must, however, be made only of material that is impervious to and unaffected by any liquid or solid for which it is intended. Measures of capacity may be made of well dried wood, provided they are adequately reinforced and protected from becoming warped or otherwise losing their true shape and accuracy.

3. Measures of capacity shall be cylindrical or conical in shape, except that a special shape may be approved for a particular purpose. When of conical shape, the base angle shall be not less than 60° ; that is, the measure will empty when its vertical axis makes an angle of 30° with the horizontal. The internal minimum horizontal dimensions of a liquid measure shall be such that the removal from it of any amount equal to the tolerance prescribed will lower the liquid by not less than 0.1 inches, or half this amount if the measure is transparent. Measures shall, as a general principle, be determined by the brim, and when equipped with a spout pouring lip or anti-splash protection, not less than one-third of the brim shall be left level for clear demarkation of measurement.

Indication of Registration and Graduations

4. When measures or measuring cans are equipped with a lid or cover, the capacity shall be determined by the bottom of the neck or some approved permanently fixed defining line or indicator in the neck.

5. The subdivision of non-transparent measures is not permitted. All measures of capacity for solids of one bushel and under shall be cylindrical, designed to be stricken with a roller, and the diameter shall not differ from the depth or double the depth by more than five per cent.

Tolerances

The tolerances for measures of volume shall apply to the nominal capacity of any static measure unless other tolerances are prescribed within the regulations.

The tolerances specified in Tables 11, 12 and 13 shall apply at original verification of volumetric static measures. At subsequent inspections the same tolerances shall apply in excess, and one-half of these tolerances may be allowed in deficiency.

Approval

For the purposes of approval of devices covered by Tables 11, 12 and 13, the tolerances specified in Tables 11, 12 and 13 shall apply.

Weights and Measures Act—continued

TABLE 11
MEASURES OF VOLUME (LIQUID)

<i>Nominal Capacity</i>	<i>Tolerance in Excess</i>
Over 20 gallons .....	.25 per cent
10 to 20 " incl.	10 fluid ounces
6 to 10 " "	5 " "
4 and 5 " "	3 " "
1 to 3 " "	2 " "
$\frac{1}{2}$ gallon	1 " "
1 quart	6 " drams
1 pint	4 " "
$\frac{1}{2}$ "	3 " "
1 gill	2 " "
$\frac{1}{2}$ "	1 " "
$\frac{1}{4}$ "	$\frac{1}{2}$ " "

NOTE: For purposes of volumetric computation, the volume of the gallon shall be deemed to be equal to 277.420 cubic inches.

- 1 fluid ounce —437.5 grains
- 1 fluid dram — $\frac{1}{8}$ fluid ounce —2 advp. drams
- 1 pint —20 fluid ounces

TABLE 12
MEASURES OF VOLUME (SOLIDS)

<i>Nominal Capacity</i>	<i>gills</i>	<i>Tolerance in Excess cubic inches</i>
1 bushel	3	25.977
$\frac{1}{2}$ "	2	17.338
1 peck	1	8.669
1 gallon	$\frac{3}{4}$	6.501
$\frac{1}{2}$ "	$\frac{1}{2}$	4.334
1 quart	$\frac{1}{4}$	2.167
1 pint	$\frac{1}{8}$	1.083
$\frac{1}{2}$ "	$\frac{1}{8}$	1.083

TABLE 12(a)

Measures or grain buckets of one quart capacity for use with grain testing scales shall comply with a maximum tolerance of $\frac{1}{2}$ cubic inch in excess at original verification; at subsequent inspections the same tolerance to apply in excess, and $\frac{1}{2}$ cubic inch tolerance to be allowed in deficiency. Tolerances for other measures used for grain testing to be interpolated proportionately.

Weights and Measures Act—continued

TABLE 13

METRIC MEASURES OF VOLUME

<i>Nominal Capacity</i>			<i>Tolerance in Excess</i>		
20	litres	.....	100	cubic centimetres	
10	"	(1 decalitre).....	75	"	"
5	"	.....	50	"	"
2	"	.....	25	"	"
1	"	.....	15	"	"
0.5	"	.....	10	"	"
0.2	"	.....	5	"	"
0.1	"	(1 decilitre).....	2	"	"
0.05	"	.....	2	"	"
0.02	"	.....	1	"	"
0.01	"	(1 centilitre).....	0.5	"	"
0.005	"	.....	0.25	"	"
0.002	"	.....	0.10	"	"
0.001	"	(1 millilitre).....	0.05	"	"

Schedule V

SPECIFICATIONS AND TOLERANCES FOR MEASURING TANKS AND GAUGE STICKS

Definition

1. The requirements of this section apply to any measuring tank which is intended for the measurement of any specific volume as a legal measure, and which discharges through a valve.

Identification

2. All measuring tanks shall bear a plate showing the unit number, maker's name, and capacity. If more than one tank is mounted on a vehicle, or otherwise used as a battery of tanks, one plate may be used provided it shows the maker's name, unit number and individual compartment capacities properly identified.

3. Each compartment marker shall bear the capacity, or as an alternative, the capacity and compartment number may be shown on the outside neck of the fill opening by means of painted letters or figures, provided they are maintained in a legible manner. This sequence number and capacity shall also be shown on the corresponding compartment outlet pipe.

4. Any detachable gauge stick for use with a measuring tank shall bear the same identification number as the tank for which it is intended, and in addition shall bear the capacity, compartment number, owner's name and the inspection stamp, as applicable.

Composition, Design and Construction
General

5. The shell or bulkheads of all measuring tanks shall be manufactured of such material and so constructed that they will not become distorted under any condition of lading or under normal usage.

Weights and Measures Act—continued

6. Effective venting means shall be provided in a compartment by permitting the escape of air from all parts of the compartment designed to be filled with liquid, and to permit the influx of air to a compartment during discharge therefrom.

7. The fill or inspection opening of a compartment shall be of such size that it can readily be determined by visual inspection that the compartment has been properly filled or completely emptied, and that the affixing of any required seals can be readily accomplished. In no case shall the fill opening, if circular, have a diameter of less than 7 inches, or if other than circular, an effective area of less than 45 square inches. Such fill opening shall be located approximately midway between the ends of the compartment.

8. Tank compartments shall be equipped with a suitable and approved type of capacity indicator or marker, and adequate provision shall be made for sealing such marker to a permanent section of the tank.

9. No tank designed for a fixed installation shall be inspected until erection is complete. No tank designed for a portable installation shall be inspected until all necessary supports have been installed and it is resting upon a level surface; provided that any tank installed permanently on or incorporated in a vehicle may be inspected when such vehicle is resting on a level surface. When in such position, any individual compartment together with its discharge line must completely drain. Vehicle tanks shall be permanently mounted on the vehicle before inspection.

10. The Director may approve special designs for special purposes and designate the method of calibration or any other feature he deems advisable.

11. A gauge stick shall be of hardwood, preferably birch or maple, one inch square, and may be used for not more than four tanks carried by the same truck. Each face shall be clearly marked, showing the compartment or tank to which the graduations apply.

Ancillary Equipment

12. There shall be no pipe or other connection between any two or more tanks that are intended for separate calibration; provided that a battery of calibrated tanks may be connected to a common manifold if positive automatic means is provided to prevent any flow from one tank to another.

13. All pipe which is not of a common manifold shall be included in the calibration of any tank, and all pipe which is part of a common manifold shall not be so included.

Indication of Registration and Graduations

14. A measuring tank that is not transparent or does not incorporate a gauge glass showing clearly the surface of the liquid in relation to the prescribed mark or marker shall not be calibrated or used to indicate the delivery of a volume less than 25 gallons.

Weights and Measures Act—continued

15. Any tank and piping system shall be so designed that, under all conditions of use and subject to the tolerances provided for measuring tanks, it will deliver the total quantity for which it was calibrated through the most remote drain valve that is rigidly connected to it.
16. The gauge stick shall be equipped with an adjustable metal liquid level indicator of a design approved by the Director. This indicator shall, before delivery of any quantity from a measuring tank, be set at the graduation mark representing that quantity, and in no case shall it be set except at a graduation mark.
17. For a tank having a nominal capacity of 200 gallons or less, one face of the gauge stick shall be graduated into divisions each of which shall indicate a quantity of 25 gallons or more.
18. For a tank having a nominal capacity of over 200 gallons and not over 400 gallons, one face of the gauge stick shall be graduated into divisions to indicate the following quantities:
- (a) the upper or upper two divisions and the lower or lower two divisions shall each indicate a quantity of 25 gallons or more;
 - (b) all remaining divisions shall each indicate a quantity of 50 gallons or more.
19. For a tank having a nominal capacity of over 400 gallons, one face of the gauge stick shall be graduated into divisions each of which shall indicate a quantity of 50 gallons or more.
20. Any detachable gauge stick shall be used in a vertical position, adjacent to the marker and on the centre line of the fill opening. The tank shall be so constructed that the stick when so used will rest upon a horizontal plane.
21. If the tank discharge opening is positioned directly under the fill opening, a suitable plate shall be permanently installed to provide a horizontal plane for the gauge stick.
22. Calibration of measuring tanks shall provide for expansion space of at least 1 per cent of nominal compartment capacity.

Tolerances

The appropriate tolerances for devices in the foregoing category are shown in the following table.

TABLE 14

<i>Capacity</i>	<i>Tolerance per cent of Registration in Excess or Deficiency</i>
50 gallons or over	0.25
20 " " "	0.3
10 " " "	0.4
5 " " "	0.5

Weights and Measures Act—continued

Schedule VI

SPECIFICATIONS AND TOLERANCES FOR VEHICLE TANKS
EQUIPPED WITH METERS

In addition to the appropriate conditions of Schedule V, the below-noted shall apply:

Composition, Design and Construction

1. The unit shall be equipped with an effective means to prevent air or vapour passing through the meter. An efficient strainer shall be installed in the line to prevent foreign matter from entering the meter.

2. On gravity discharge units the delivery hose shall be as short as practicable, and there shall be no shut-off valve at its outlet end.

3. On a pump discharge unit, the delivery hose shall be of the wet hose type with a spring loaded check valve at its outlet end so adjusted as to prevent drainage of the hose. The outlet end may also be equipped with a manually operated shut-off valve.

4. There shall be a quick acting valve adjacent to the meter to be used for starting and stopping the flow of liquid through the meter.

5. Meters on vehicle tanks shall be of an approved type and be so positioned and installed that the indication may be easily read. The inspection and serial plate shall be clearly readable when the meter is in use.

Tolerances

The tolerances for devices in the foregoing category are shown in Table 14 for measuring tanks and Table 14(a) for meters.

Schedule VII

SPECIFICATIONS AND TOLERANCES FOR METERS AND HOSES

PART I—METERS

Definition

1. Retail meters are devices which are designed for retail deliveries to individual consumers, e.g., service station meter pumps. Bulk or wholesale meters are devices which are designed for single deliveries of 50 gallons or more, e.g., tank truck fuel oil delivery. All bulk meters shall be subject to a minimum test of 50 gallons. These regulations do not apply to water meters, taxi meters or to devices for the measurement of greases or heavy oil.

Identification and Marking

2. All meters shall be equipped with a suitable metal plate showing the name of the manufacturer or his registered trade mark, model, serial number and minimum rated capacity; provided that on retail liquid dispensing devices such plate may be placed on the casing or dial of such unit.

Weights and Measures Act—continued*Composition, Design and Construction
General*

3. Any meter shall be of sufficiently rugged construction to withstand, without impairment of the accuracy of the measurement, such wear, shocks and exposure to water, foreign matter or extremes of temperature as may be expected to occur in ordinary usage.

4. Any meter shall be properly adapted to the particular service in which it is to be used, in respect of pressure, characteristics of liquid and methods of operation. A measuring device shall be deemed to be properly adapted to its particular service if, during its use, no component part is stressed more than would be recognized as good engineering practice, and all normally occurring variations in operating conditions are successfully met by performance within the prescribed tolerances.

5. The deliveries of a device shall be accurate whether operation is continuous or intermittent within the range of delivery rates specified for the device.

6. Meter pumps shall be equipped with a visi-glass at the highest point in the line from the meter, to show whether the meter and pipe line are full of liquid. This device must be positioned so as to be clearly visible to the customer.

7. Any meter intended for the retail sale of any commodity must be reset to zero following any transaction, and the device shall be so designed as to be inoperable after a transaction until reset to zero. If this is not feasible due to the mechanical construction of the device, other means may be approved to indicate the device must be reset following each transaction; provided that this requirement shall not apply to any meter designed automatically to provide the purchaser with a printed sales slip or voucher indicating the amount delivered, nor to any meter having a maximum rated capacity of 25 gallons or more.

8. Provision shall be made for applying a lead and wire seal so as to effectively prevent adjustment of the meter after calibration.

8A. The identification plate on retail liquid dispensing devices shall provide suitable space and be of such softness as to easily receive the imprint of the inspector's stamp, or the device shall be provided with lead plugs or a lead plate of dimensions as specified in Schedule II, Section 16.

*Composition, Design and Construction
Ancillary Equipment*

9. All metering installations shall be equipped with an effective mechanical air eliminator or other means of preventing passage of air or vapor through the meter.

Indication of Registration and Graduations

10. Indicating elements of any meter shall be so designed and positioned that they may be easily and accurately read.

11. Indicating elements may be advanced only by mechanical operation of the meter, and means shall be provided to prevent return of the

Weights and Measures Act—continued

indicating elements beyond their correct zero position; provided that a meter may be cleared by advancing the indicating elements if during this operation such indicating elements are obscured and remain obscured until zero position is reached.

12. Any means of indicating registration shall be set up in a permanent location, and in any device intended for retail use means of indication shall be provided in plain and unobstructed view from the position ordinarily occupied by the purchaser. The narrowest part of any graduation mark shall be deemed to be the point of indication, and it shall not be wider than .05 inch.

13. The value of the smallest units of indication shall not exceed $\frac{1}{16}$ gallon on retail devices.

14. A device which automatically indicates the total money value of the liquid measured for one of a series of unit prices shall display on each face of the device the unit price at which computations are made at any time. Such device shall also register automatically the gallonage delivered.

General

15. No meter shall be listed or calibrated or certified for use, or be used to measure any quantity beyond its rated capacity.

16. In any device, or in any installation in which such device is incorporated, there shall be no means of wrongfully diverting any liquid after measurement, or of delivering any unmeasured liquid.

17. Temperature compensating devices, either automatic or manual, shall not be incorporated in a metering unit.

PART II—HOSES

Composition, Design and Construction

18. No flexible hose shall form part of the calibrated volume of any measuring tank.

19. When any measuring device is equipped with a delivery hose which is designed to remain full at all times, such assembly shall incorporate adequate means of:

- (a) preventing the draining of such hose; and
- (b) protecting such hose against any pressure that would cause it to expand sufficiently to allow the accuracy of the indicated measurement to exceed the tolerance prescribed in this schedule.

20. When a retail measuring device is equipped with a hose which is designed to remain empty before and after delivery, it shall incorporate:

- (a) visual means of indicating zero liquid level; and
- (b) automatic means of breaking vacuum to ensure complete delivery.

Tolerances

The appropriate tolerances for devices in the foregoing category are shown in Table 14(a).

Weights and Measures Act—continued

The tolerances of error as prescribed in Table 14(a) shall apply to all liquid meters provided one-half the tolerances specified shall apply at original verification of retail metering devices.

Approval

For the purpose of approval of these devices, the tolerances referred to above shall apply.

TABLE 14(a)

<i>Maximum Rated Capacity Gallons per minute</i>	<i>Tolerance (Percentage of Registration in Excess or Deficiency)</i>
50 gallons and over	0·25
20 “	0·3
10 “	0·4
5 “	0·5
2 “	0·7
1 gallon	1·25
$\frac{1}{2}$ “	1·5
1 quart	2·0
1 pint	3·0
$\frac{1}{2}$ “	4·0

Bulk meters delivering lots of 50 gallons or over shall be tested using quantities of over 40 gallons and shall also be tested with a quantity equal to a one minute run at full capacity.

Retail meters such as service station meters shall be tested using quantities of 1 gallon, 5 gallons and cumulative tests of 5 gallon lots to check price computations and gallonage registration above the 5 gallon indication.

Small meters of a capacity of less than 5 gallons shall be tested by the discharge of volumes in conformity with the volumetric units used for indications.

Meters shall be tested at one-third, two-thirds and full flow, provided that the smallest rate of flow shall not be less than the minimum rated flow stated on the meter.

Schedule VIII

SPECIFICATIONS AND TOLERANCES FOR PRE-PACKAGED GOODS

Marking

1. Net quantity may be indicated by those words, or by others having a similar meaning, including “net weight”, “net volume” or “net contents”.
2. The words used to designate net contents shall be accompanied by the unit of measurement; for example, Net Weight—2 lbs.

Requirements for Manufacturers or Producers

1. The net quantity and unit of measurement of all goods pre-packaged by manufacturers and producers shall be printed on the wrapper or container or on a label attached to the wrapper or container.
2. The net quantity and unit of measurement shall be conspicuously marked and in any event in letters not less than $\frac{1}{16}$ ” in height.

Weights and Measures Act—continued

3. Labels or printing on packages not in conformity with the foregoing must be submitted to the Director for approval.

Requirements for Retailers

1. The requirements for manufacturers or producers may be followed.

2. If wrappers or containers are stamped by means of indelible ink, the letters shall be not less than $\frac{1}{8}$ " in height.

3. Where pre-packaged goods are in a bin or similar container, the net quantity of all may be indicated by a display card or ticket. The letters on such display card or ticket shall be in letters at least $\frac{1}{2}$ " in height.

The following tolerances in deficiency may be allowed on pre-packaged goods put up by weight, as shown in Table 15. These amounts are maximum allowances, and are designed to include all necessary exigencies of packaging, including the tolerance of error permitted in the device authorized for such pre-packaging.

TABLE 15

<i>Declared weight of packages</i>	<i>Tolerance in Deficiency</i>
Under 2 oz.....	No marking required
2 oz. to 8 oz.....	1 dram
Over 8 oz. to 1 lb.....	2 drams
Over 1 lb. to 2 lbs.....	3 "
Over 2 lbs. to 3 lbs.....	4 "
Over 3 lbs to 5 lbs.....	5 "
Over 5 lbs. to 7 lbs.....	6 "
Over 7 lbs. to 10 lbs.....	7 "
Over 10 lbs. to 15 lbs.....	9 "
Over 15 lbs. to 20 lbs.....	12 "
Over 20 lbs. to 30 lbs.....	16 "
Over 30 lbs.....	.25 per cent ($\frac{1}{4}$ of 1%)

The following tolerances shall apply on pre-packaged liquid goods put up by volume.

TABLE 16

<i>Declared Volume of Package</i>	<i>Tolerance in Deficiency</i>
Up to 1 gill.....	1 fluid dram
Over 1 gill to 1 pint.....	2 " drams
Over 1 pint to 1 quart.....	3 " drams
Over 1 quart to 1 gallon.....	$\frac{1}{2}$ " ounce
Over 1 gallon .....	.25 per cent ($\frac{1}{4}$ of 1%)

NOTE: 8 fluid drams=1 fluid ounce.

The following tolerance shall apply on pre-packaged solid goods put up by volume.

TABLE 17

<i>Declared Volume of Package</i>	<i>Tolerance in Deficiency</i>
Up to 1 pint.....	$\frac{1}{8}$ gill
Over 1 pint to 1 quart.....	$\frac{1}{4}$ "
Over 1 quart to 1 gallon.....	$\frac{3}{4}$ "
Over 1 gallon to 1 peck.....	1 "
Over 1 peck to 1 bushel.....	3 "
Over 1 bushel	3 " per bushel

Weights and Measures Act—continued

Schedule IX

WEIGHTS AND MEASURES INSPECTION FEES

1. The appropriate fees prescribed in the tables in this Part shall be payable on the issuance of any certification of inspection under these regulations; provided that no inspection fees shall be payable when any weight, measure or weighing or measuring machine is reinspected after previous rejection and is found satisfactory.

2. TRADE WEIGHTS:

(1) The following fees shall apply to the following trade weights:

TABLE 18

<i>Avoirdupois—</i>	<i>Fee</i>
Up to and including 10 lbs.....	10 cents each
Over 10 lbs. and including 60 lbs.....	30 cents each
<i>Troy—</i>	
Up to and including 50 oz.....	10 cents each
Over 50 oz. and including 1,000 oz.....	30 cents each
<i>Metric—</i>	
Up to and including 5 Kgs.....	10 cents each
Over 5 Kgs. and including 50 Kgs.....	30 cents each

(2) Sets of weights used with equal arm balances up to 50 lbs. but not exceeding in their sum the capacity of such equal arm balances, shall be verified at 10 cents each.

The fee for reinspection of 50 lb. iron test weights used solely for the test of large capacity scales shall be 10 cents each.

(3) Adjusting Fees: Weights which fail to meet the required tolerances may, upon the written request of the owner or his authorized agent, be adjusted by the inspector if such adjustment is confined to the addition or removal of small quantities of lead, and an adjusting fee is charged as follows:

Up to and including 10 lbs.	10 cents each
Over 10 lbs.	15 cents each

3. WEIGHING MACHINES:

(a) Except as otherwise provided in this section, the fees prescribed in Table 19 shall apply to all weighing machines.

Weights and Measures Act—continued

TABLE 19

<i>Rated Capacity</i>	<i>Fees</i>
Up to and including 10 lbs.	\$.50
Over 10 lbs. and including 30 lbs. ....	.75
Over 30 lbs. and including 250 lbs.	1.25
Over 250 lbs. and including 1,000 lbs.	1.50
Over 1,000 lbs. and including 2,000 lbs.	2.00
Over 2,000 lbs. and including 4,000 lbs.	3.00
Over 4,000 lbs. and including 6,000 lbs.	3.50
Over 6,000 lbs. and including 10,000 lbs.	4.25
Over 10,000 lbs. and including 15,000 lbs.	5.00
Over 15,000 lbs. and including 20,000 lbs.	7.25
Over 20,000 lbs. and including 40,000 lbs.	8.75
Over 40,000 lbs. and including 60,000 lbs.	11.50
Over 60,000 lbs. and including 80,000 lbs.	15.00
Over 80,000 lbs. and including 120,000 lbs.	17.00
and for each additional 20,000 lbs.	1.50

(b) The fee for statutory annual inspection of the weighing equipment in western country grain elevators shall be a single inclusive charge of \$11.00 for each elevator.

Inspections other than statutory annual inspections on the above-mentioned grain elevators shall be charged at the rates applicable to scales generally.

The term "country elevator" applies to and includes country elevators licensed as such under the provisions of the Canada Grain Act.

(c) Computing Scales—The following fees shall apply to the following computing scales:

TABLE 20

<i>Rated Capacity</i>	<i>Fees</i>
Up to and including 2 lbs.	\$.50
Over 2 lbs, and including 10 lbs. ....	.75
Over 10 lbs. and including 25 lbs.	1.25
Over 25 lbs.	1.50

(d) Automatic Scales—The following fees shall apply to automatic scales, being machines which by automatic means repetitively weigh and discharge predetermined quantities:

TABLE 21

<i>Rated Capacity</i>	<i>Fees</i>
Up to and including 2 lbs.	\$.75
Over 2 lbs. and including 10 lbs.	1.50
Over 10 lbs. and including 60 lbs.	2.00
Over 60 lbs. and including 360 lbs.	3.00
Over 360 lbs. and including 3,600 lbs.	4.25
Over 3,600 lbs. and including 6,000 lbs.	5.75
Over 6,000 lbs. and including 12,000 lbs.	7.25

For automatic scales up to and including 100 lbs. capacity, the above fees shall include inspection of the weights used in conjunction with them. On machines over 100 lbs. capacity, additional charges shall be made for inspection of the weights in accordance with Table 18.

Weights and Measures Act—continued

(e) Railway Track Scales—The following fees shall apply to railway track scales:

TABLE 22

<i>Rated Capacity</i>	<i>With Railway Test Car</i>
Up to and including 80 tons capacity	\$15.00
Over 80 tons	20.00

Where test cars are not provided, expenses incurred in transporting test weights to make track scale inspections shall be charged in addition to the above fee.

(f) Totalizing Machines—The following fees shall apply to the following totalizing machines:

(i) *Automatic Weighbridge or Platform Type—*

TABLE 23

<i>Rated Capacity</i>	<i>Fees</i>
Up to and including 2,000 lbs.	\$ 4.25
For each additional 2,000 lbs. ....	.75

(ii) *Automatic Belt Conveyor Type—*

TABLE 24

<i>Rated Capacity</i>	<i>Fees</i>
Up to and including 500 lbs.	\$ 7.50
Over 500 lbs.	15.00

The above fees are conditional upon the owners or users rendering all reasonable assistance to the officer performing the work of inspection.

(g) As to weighing machines not included in Tables 19 to 24, inclusive, see section 6.

(h) The fee for the varification of milk test glassware shall be ten cents for each test bottle, pipette or measuring glass, which amount shall be forwarded to the Director of Standards, Department of Trade and Commerce, Ottawa, Canada, with each consignment of glassware to be verified.

4. STATIC MEASURES

The fees prescribed in this section shall apply to the following static measures:

(a) *Volume Measures—*

TABLE 25

<i>Nominal Capacity</i>	<i>Fees</i>
<i>Liquid—</i>	
Up to and including 5 gallons.....	20 cents each
Over 5 gallons and including 10 gallons.....	30 cents each
<i>Dry—</i>	
Up to and including 1 peck.....	15 cents each
Over 1 peck and including 1 bushel.....	30 cents each
<i>Metric—</i>	
Up to and including 20 litres.....	20 cents each

Weights and Measures Act—continued

TABLE 26

Salt tubs—18 gallons capacity.....	\$.75
Salt hogsheads—54 gallons capacity.....	1.00
2 Salt hogsheads—108 gallons capacity.....	1.50
Herring tubs—16 gallons capacity.....	.75
Herring barrels—32 gallons capacity.....	1.00
Sand tubs—18 gallons capacity.....	.75
Coal tubs—100 lbs. capacity.....	.75
Coal tubs—200 lbs. capacity.....	1.00
Coal tubs over 200 lbs. capacity.....	1.50

(b) *Linear Measures—*

TABLE 27

<i>Maximum Graduation</i>	<i>Fees</i>
<i>Rigid—</i>	
Up to and including 3 feet.....	15 cents each
Over 3 feet and including 10 feet.....	30 cents each
<i>Flexible—</i>	
Up to and including 36 feet.....	\$1.00 each
Over 36 feet and including 66 feet.....	1.50 each
Over 66 feet and including 100 feet.....	2.00 each
<i>Metric—</i>	
Up to and including 1 metre.....	15 cents each
Over 1 metre and including 2 metres.....	30 cents each
Over 2 metres and including 10 metres.....	\$1.00 each
Over 10 metres and including 20 metres.....	\$1.50 each

(c) As to static measures not included in Tables 25, 26 and 27, see section 6.

5. MECHANICAL MEASURING DEVICES

The fees prescribed in this section shall apply to the following measuring devices:

(a) Graduated measuring tanks, visible measuring bowls and self-measuring pumps—

TABLE 28

<i>Rated Capacity</i>	<i>Fees</i>
Up to and including $\frac{1}{2}$ gallon.....	\$.75
Over $\frac{1}{2}$ gallon and including 2 gallons.....	1.50
Over 2 gallons and including 5 gallons... ..	2.00
Over 5 gallons and including 10 gallons.....	2.00
Twin measuring bowls mounted on one base—	
<i>Capacity</i>	<i>Fees</i>
5 gallon	\$2.50
10 gallon	4.00

The fee for adjusting any stop or indicator on any measuring device in this Table shall be 25 cents.

Weights and Measures Act—concluded**(b) Tanks of over 10 gallons capacity—**

Tanks, whether mounted on a fixed base, portable or permanently mounted on a vehicle, shall be inspected at a fee of $1\frac{1}{2}$ cents per gallon of indicated capacity, with a minimum charge of \$3.00.

The checking of one gauge stick shall be included in the above amount.

The fee for the marking and inspection of any additional gauge sticks shall be \$1.50.

Additional markers, where permitted by the regulations, shall be inspected at 75 cents per marker.

(c) Meters—

TABLE 29

<i>Rated Capacity</i>	<i>Fees</i>
Up to and including 5 gallons per minute.....	\$1.50
Over 5 g.p.m. and including 20 g.p.m.....	2.00
Over 20 g.p.m. and including 250 g.p.m.....	3.50
Over 250 g.p.m.....	5.00

For fee purposes twin meters having separate delivery, mounted in one housing, shall be considered as two separate units.

(d) As to mechanical measuring devices not included in Tables 28 and 29, see section 6.**6. OTHER WEIGHING AND MEASURING DEVICES**

The fee for the inspection of any weighing or measuring device not indicated in Tables 18 to 29 inclusive shall be computed on the basis of \$2.00 per hour for the inspector's time, with a minimum charge of 50c for inspection on any one premises. This scale of fees shall also apply to auxiliary attachments which require separate inspection, such as special indicating attachments or recording devices. This scale of fees shall apply to weighing of goods on request: e.g., sisal, butter.

7. CARTAGE CHARGES

When special or request inspections are made, other than the annual or routine inspections, and such inspections require transportation of heavy testing equipment, such as standard weights and test tanks, an additional fee shall be charged sufficient to cover the proportionate cost of such transportation.

WHALING CONVENTION ACT. (R.S.C., 1952, c. 293)

Whaling Regulations

P.C. 1954-1726

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 18th day of November, 1954.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of section 6 of the Whaling Convention Act, is pleased to order as follows:

1. The Whaling Regulations established by Order in Council P.C. 1947 of 4th April, 1952, as amended, are hereby revoked; and

2. The annexed "Regulations under the Whaling Convention Act" are hereby made and established in substitution for the regulations hereby revoked.

REGULATIONS UNDER THE WHALING CONVENTION ACT
SHORT TITLE

1. These regulations may be cited as the *Whaling Regulations*.

Interpretation

2. In these regulations,

- (a) "Act" means the Whaling Convention Act;
- (b) "Minister" means the Minister of Fisheries;
- (c) "baleen whale" means any whale that has baleen or whale bone in the mouth, i.e. any whale other than toothed whale;
- (d) "blue whale" (*Balaenoptera* or *Sibbaldus musculus*) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom;
- (e) "dauhval" means any unclaimed dead whale found floating;
- (f) "fin whale" (*Balaenoptera physalus*) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale;
- (g) "gray whale" (*Rachianectes glaucus*) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack;
- (h) "Humpback whale" (*Megaptera nodosa* or *novaeangliae*) means any whale known by the name of bunch, humpback, humpback whale, hump-backed whale, hump whale or hunchback whale;
- (i) "minke whale" (*Balaenoptera acutorostrata*, *B. davidsoni*, *B. huttoni*) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp headed finner;
- (j) "right whale" (*Balaena mysticetus*; *Eubalaena glacialis*, *E. australis*, etc.; *Neobalaena marginata*) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan

Whaling Convention Act—continued

right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale or Southern right whale;

- (k) “sei whale” (*Balaenoptera borealis*) means any whale known by the same name of sei whale, Rudolphi’s rorqual, pollack whale, or coalfish whale and shall be taken to include Bryde’s whale (*B. brydei*);
- (l) “sperm whale” (*Physeter catodon*) means any whale known by the name of sperm whale, spermacet whale, cachalot, or pot whale; and
- (m) “toothed whale” means any whale that has teeth in the jaws.

Licences

3. (1) The Minister may issue a licence to the owner or charterer of any ship registered in Canada, authorizing that ship to be used as a whale catcher or whale factory.

(2) The Minister may issue a licence to any person, authorizing that person to engage in whaling or whale treating on, from or by means of any ship registered in Canada.

(3) The form of a licence and the terms and conditions upon which the licence may be issued are those from time to time prescribed by the Minister.

(4) A fee of

(a) twenty-five dollars for each licence issued pursuant to subsection one, and

(b) one dollar for each licence issued pursuant to subsection two, is payable at the time the application for such licence is submitted to the Minister.

(5) A licence issued pursuant to this section ceases to be valid on the thirty-first day of December of the year for which the licence was issued.

(6) A licence issued pursuant to this section may be cancelled by the Minister at any time, for any reason that to the Minister seems proper.

4. No person shall engage in whaling or whale treating on, from or by means of a ship unless he is the holder of a valid licence issued pursuant to subsection two of section three.

Whaling Operations

5. No person shall pursue, capture, shoot or kill any whale within a distance of one-half nautical mile from any vessel at anchor or engaged in fishing.

6. No owner or operator of a land station shall dispose of or permit the disposition of the effluent or unused portion of any whale treated at that land station, except in the manner approved by a fishery officer.

7. No person shall shoot or kill any whale by means of any device other than a harpoon to which a whaling line has been attached and fastened to the ship from which the harpoon is fired.

Whaling Convention Act—continued

Conservation

8. No person shall shoot, kill or take any gray whale or right whale, unless the meat and other products of such whale are to be used exclusively for local consumption by the aborigines.

9. No person shall take or kill calves or suckling whales or female whales that are accompanied by calves or suckling whales.

Open Seasons

10. (1) No person shall take or treat any baleen, sperm or minke whales, except during the following open seasons:

Baleen Whales—North Atlantic Ocean—June 1 to November 30
 Baleen Whales—North Pacific Ocean—March 15 to September 15
 Sperm Whale—North Atlantic Ocean—May 1 to December 31
 Sperm Whales—North Pacific Ocean—March 15 to November 15
 Minke Whales—North Atlantic Ocean—April 1 to September 30

(2) Notwithstanding subsection one, the treatment of whales taken during the open season may be continued and completed after the end of the open season.

Length Requirements

11. (1) No person shall take or kill any blue, sei, humpback or fin whale below the following length:

blue whales —70 feet
 sei whales —40 feet
 humpback whales —35 feet
 fin whales —55 feet

but blue whales of not less than 65 feet, sei whales of not less than 35 feet and fin whales of not less than 50 feet in length may be taken for delivery to a land station, if the meat of such whales is to be used for local consumption as human or animal food.

(2) No person shall take or kill any sperm whale below 38 feet in length, but sperm whale not less than 35 feet in length may be taken or killed for delivery to a land station.

(3) For the purposes of subsections one and two, the length of any whale taken shall be determined in accordance with the following rules:

- (a) the whale shall be measured at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle that can be stuck into the deck planking abreast of one end of the whale.
- (b) the tape measure shall be stretched in a straight line parallel to the whale's body and shall be read abreast of the other end of the whale;
- (c) the ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes;
- (d) all measurements, after being accurately read on the tape measure, shall be logged to the nearest foot; that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet; and

Whaling Convention Act—continued

- (e) any measurement that falls on an exact half foot shall be logged at the next half foot; for example, 76 feet 6 inches shall be logged as 77 feet.

Processing

12. (1) Subject to these regulations, all whales taken shall be delivered to a land station, and all parts of such whales, other than

- (a) the internal organs,
- (b) the bone and flippers, and
- (c) any meat intended for human or animal food,

shall be processed at such land station by boiling or otherwise.

(2) Notwithstanding subsection one, complete treatment of the carcasses of "Dauhval" or of whales used as fenders is not required in cases where the meat or bone of such whales is in bad condition.

Marking of Whales

13. Whales taken by whale catchers shall be clearly marked so as to identify the catcher and indicate the order of catching.

Records

14. (1) The owner or operator of a land station situated in Canada shall maintain records, in which shall be entered the following information as soon as the information becomes available:

- (a) the date and time at which each whale is hauled up for treatment or processing,
- (b) the length of each such whale, measured in accordance with subsection three of section eleven,
- (c) the sex of each such whale,
- (d) if female, whether milk-filled or lactating,
- (e) length and sex of the foetus if any.

(2) The owner or operator of a land station situated in Canada, and the owner or charterer of a ship registered in Canada and used as a whale catcher or whale factory, shall furnish to the Minister such information and statistical data as the Minister, by notice to such owner, operator or charterer, may require.

15 (1) Gunners and crews of whale catchers shall be engaged on such terms that their remuneration depends to a considerable extent upon such factors as the species and size and yield of whales taken, and not merely upon the number of whales taken.

(2) No bonus or other remuneration shall be paid to the gunner or crew of a whale catcher in respect of any milk-filled or lactating whale taken.

Indians and Eskimos

16. The Minister may issue permits to Indians and Eskimos to take or kill gray whales or right whales on condition that the meat and other products of such whales are used exclusively by them for local consumption.

Whaling Convention Act—concluded

Enforcement

17. For purposes of the administration and enforcement of the Whaling Convention Act and these regulations, fishery officers and fishery guardians appointed under the Fisheries Act, have power and duties under the Whaling Convention Act and these regulations like unto those had under the Fisheries Act.

18. (1) Every person who violates any of the provisions of sections seven, eight, nine and ten, or of subsections one and two of section eleven, is guilty of an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years or to both fine and imprisonment.

(2) Every person who violates any of the provisions of these regulations, other than those specified in subsection one, is guilty of an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment.

WHEAT CO-OPERATIVE MARKETING ACT. (R.S.C., 1952, c. 294)

No regulations have been made under this statute.

WHITE PHOSPHOROUS MATCHES ACT. (R.S.C., 1952, c. 295)

No regulations have been made under this statute.

**WOMEN'S ROYAL NAVAL SERVICES AND SOUTH AFRICAN
MILITARY NURSING SERVICE (BENEFITS) ACT.**

(R.S.C., 1952, c. 297)

No regulations have been made under this statute.

YUKON ACT. (1953, c. 53)

**Tariff of fees applicable to criminal cases and inquests in the
Yukon Territory**

P.C. 6423

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 29th day of December, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and pursuant to the powers conferred by the Yukon Act, Revised Statutes of Canada, 1927, chapter 215, is pleased, hereby, to revoke the tariffs of fees payable in the Yukon Territory in connection with criminal cases and inquests, established by Orders in

Yukon Act—continued

Council P.C. 2349 of 8th October, 1900 and P.C. 49/1195 of 3rd June, 1901, and to make the following tariff of fees applicable to criminal cases and inquests in the Yukon Territory, and the said tariff of fees is hereby made and established in substitution for the tariffs of fees hereby revoked:

*Tariff of Fees applicable to Criminal Cases and Inquests
in the Yukon Territory*

1. *Jurors*
 - (a) For each day while necessarily engaged in going to, attending at, or returning from any criminal proceedings or inquest.\$ 5.00
 - (b) For each mile necessarily travelled, going and coming from residence to place of proceedings or inquest25
2. *Interpreters*
 - (a) For each day actually engaged as interpreters 5.00
 - (b) For each mile necessarily travelled by means other than railway, going and coming from residence to place of proceedings or inquest25
 - (c) Travelling expenses by railway, the actual fare paid.
3. *Witnesses*
 - (a) For each day while necessarily engaged in going to, attending at, or returning from any criminal proceedings or inquest when residence is within two miles of place of proceedings or inquest 4.00
 - (b) For each day while necessarily engaged in going to, attending at, or returning from any criminal proceedings or inquest when residence is over two miles from place of proceedings or inquest 5.00
 - (c) For each mile necessarily travelled by a means other than railway, going and coming from residence to place of proceedings or inquest25
 - (d) Travelling expenses by railway, the actual fare paid.
 - (e) Professional men called to testify by the Crown may be allowed for each day in attendance and in addition to travelling expenses allowed in (b) or (d), as the case may be 25.00
4. *Coroners*
 - (a) For taking inquisitions 25.00
 - (b) Summoning jury50
 - (c) Empanelling jury 1.00
 - (d) Summons for witness, each25
 - (e) Warrants for arrest, each 1.00
 - (f) When a coroner uses his own motor vehicle in connection with any proceeding he will be allowed, per mile, for the distance necessarily travelled the sum of15
 - (g) When it is necessary for a coroner to travel by air or water, the authority of the Commissioner of the Yukon Territory must first be obtained, otherwise the expenses may not be approved.
 - (h) All necessary travelling expenses, hotels, meals, or other services shall, if possible, be covered by proper vouchers which are to be attached to the account and the account will be submitted by the Commissioner to the Deputy Minister of Justice for taxation.

Yukon Act—concluded

5. *Post Mortem Examinations*

The physician or surgeon who makes any post mortem examination to determine the cause of a death may be paid a fee of 50.00

6. *Stenographers*

- (a) For each day attending to record testimony, the sum of .. 10.00
- (b) For transcribing evidence, per folio15
- (c) For each additional copy, per folio10

7. *Civil Servants*

The fees prescribed herein shall not be paid to any juror, interpreter, witness, coroner, stenographer or medical officer who is a Civil Servant.

YUKON PLACER MINING ACT. (R.S.C., 1952, c. 300)

The following orders made pursuant to this statute have been published in the Yukon Official *Gazette* on the dates specified hereunder:

- 1. Proclamation of the Commissioner dividing the Territory into mining districts. November 26, 1954.
- 2. Rules of Procedure, Board of Arbitrators. December 3, 1954.
- 3. Schedule of Representation Work. December 10, 1954.

YUKON QUARTZ MINING ACT. (R.S.C., 1952, c. 301)

No regulations have been made under this statute.

PLEASE DO NOT REMOVE
CARDS OR SLIPS FROM THIS POCKET

UNIVERSITY OF TORONTO LIBRARY

~~Statutes~~
~~Can~~
~~v.3~~
~~General~~
~~Reference~~

Canada. Laws, statutes, etc.
Statutory orders and
regulations; consolidation,
1955



3 1761 11550178 5